



Town of Amherst
Regular Council Meeting
Agenda

Date: **Monday, February 26, 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>	
3. APPROVAL OF AGENDA/ACCEPTANCE OF MINUTES	
3.1 Approval of the Agenda	
3.2 Acceptance of Minutes	
3.2.1 January 22, 2024 Regular Council	3 - 28
3.2.2 February 8, 2024 Public Hearing	29 - 30
3.2.3 February 13, 2024 Special Council	31 - 31
4. REQUESTS FOR DECISION	
4.1 2024 Municipal Election - Fawthrop	32 - 34
4.2 15 & 31 East Victoria Street Development Agreement Second Reading - Landry	35 - 52
4.3 Dr. & Mrs. H.E. Christie Community Foundation Donation - Emery	53 - 56
4.4 Salary Administration Policy Amendments - Chambers	57 - 68

4.5	Employment Equity Policy - Davidson	69 - 76
4.6	Tree Advisory Committee Policy Repeal - Baker	77 - 81
4.7	Appointments of Citizen to Boards, Committees and Commissions Policy Repeal - Landry	82 - 84
5.	INTERNAL COMMITTEE REPORTS	
5.1	Planning Advisory Committee - Landry	85 - 85
5.2	Amherst Board of Police Commissioners - Davidson	86 - 86
5.3	Amherst Youth Town Council	87 - 87
5.4	Accessibility Advisory Committee - Fawthrop	88 - 88
5.5	Inclusion Diversity and Equity Committee - Davidson	89 - 89
5.6	Poverty Reduction Advisory Committee - Landry - To be distributed	
6.	EXTERNAL COMMITTEE REPORTS	
6.1	Cumberland Public Libraries - Fawthrop	90 - 90
6.2	Cumberland YMCA - Fawthrop	91 - 91
6.3	Northern Region Solid Waste Management - Baker	92 - 92
6.4	L. A. Animal Shelter - Fawthrop	93 - 93
6.5	Senior Safety - Emery	94 - 94
6.6	Municipal Alcohol Project - Emery	95 - 95
7.	ADJOURNMENT	

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: January 22, 2024
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 Leon Landry
Councillor Lisa Emery

Staff Present Jason MacDonald, Chief Administrative Officer
Dwayne Pike, Chief, Police Services
Greg Jones, Director, Fire Services
Aaron Bourgeois, Director, Operations
Andrew Fisher, Director, Planning & Strategic Initiatives
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Kim Jones, Director, Corporate Communications & IT
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. APPROVAL OF AGENDA/ACCEPTANCE OF MINUTES

3.1 Approval of the Agenda

Moved By Councillor Baker
Seconded By Councillor Emery
To approve the agenda as circulated.

Motion Carried

3.2 Acceptance of Minutes

Mayor Kogon called for any errors or omissions in the minutes. There being none, the minutes of the December 18, 2023 regular meeting of Council were accepted as included in the agenda package.

4. REQUESTS FOR DECISION

4.1 2024 Strategic Priorities

Moved By Deputy Mayor Fawthrop
Seconded By Councillor Emery
That Council adopt the Strategic Priorities for 2024.

Motion Carried

4.2 15 & 31 East Victoria Street Development Agreement Application First Reading

Moved By Councillor Davidson
Seconded By Councillor Emery
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.

Motion Carried

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:

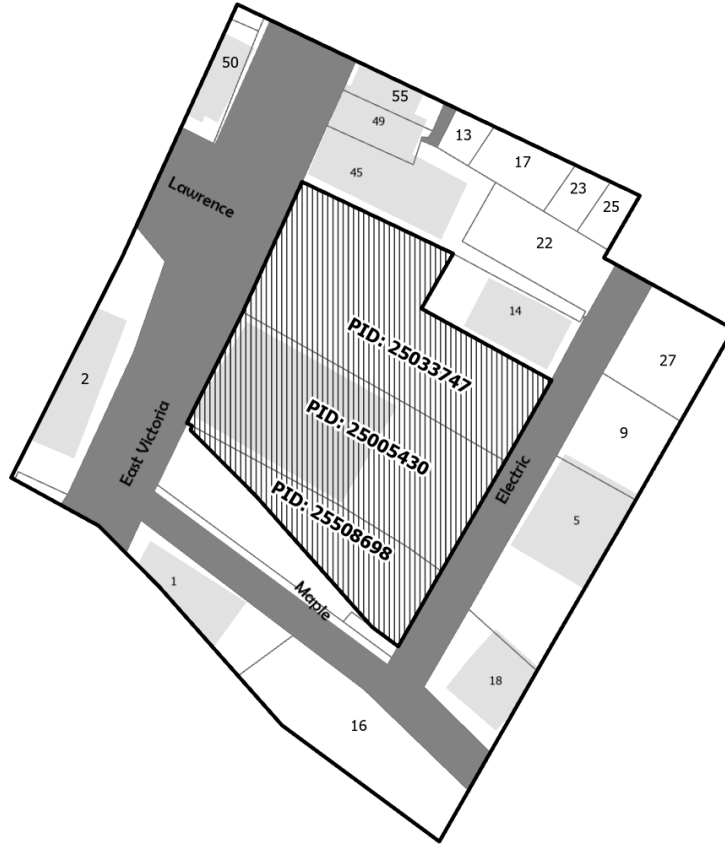
1.0 USE OF LAND AND BUILDINGS

- 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



SCHEDULE 'C'
Phase 2 Building



**4.3 Poverty Reduction Advisory Committee Council Appointments
 Moved By Councillor Emery
 Seconded By Councillor Chambers
 That Council appoint Deputy Mayor Fawthrop and reappoint Councillor Landry to the Poverty Reduction Advisory Committee effective immediately until October 31, 2024.**

Motion Carried

**4.4 Poverty Reduction Advisory Committee Citizen Appointments
 Moved By Councillor Landry
 Seconded By Councillor Davidson
 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.**

Motion Carried

**4.5 Accessibility Advisory Committee Citizen Appointments
 Moved By Deputy Mayor Fawthrop
 Seconded By Councillor Emery
 That Council appoint Meghan Hicks, Vanessa Jones, and Clifford Pinchbeck to the Accessibility Advisory Committee effective February 1, 2024 to March 31, 2025.**

Motion Carried

**4.6 Bylaw to Amend the Local Improvement Bylaw Schedule A Second Reading Moved By Councillor Chambers
Seconded By Deputy Mayor Fawthrop
That Council give Second Reading of a By-law to Amend the Local Improvement By-law Schedule 'A'.**

Motion Carried

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;
 - 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.
- (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:

- (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 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

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.
- 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.
- 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)).
- 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.

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 Intent:	
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’	

Schedule ‘A’

1.	Russell Street Development Aalders Agreement
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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

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;
 - 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 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.

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:

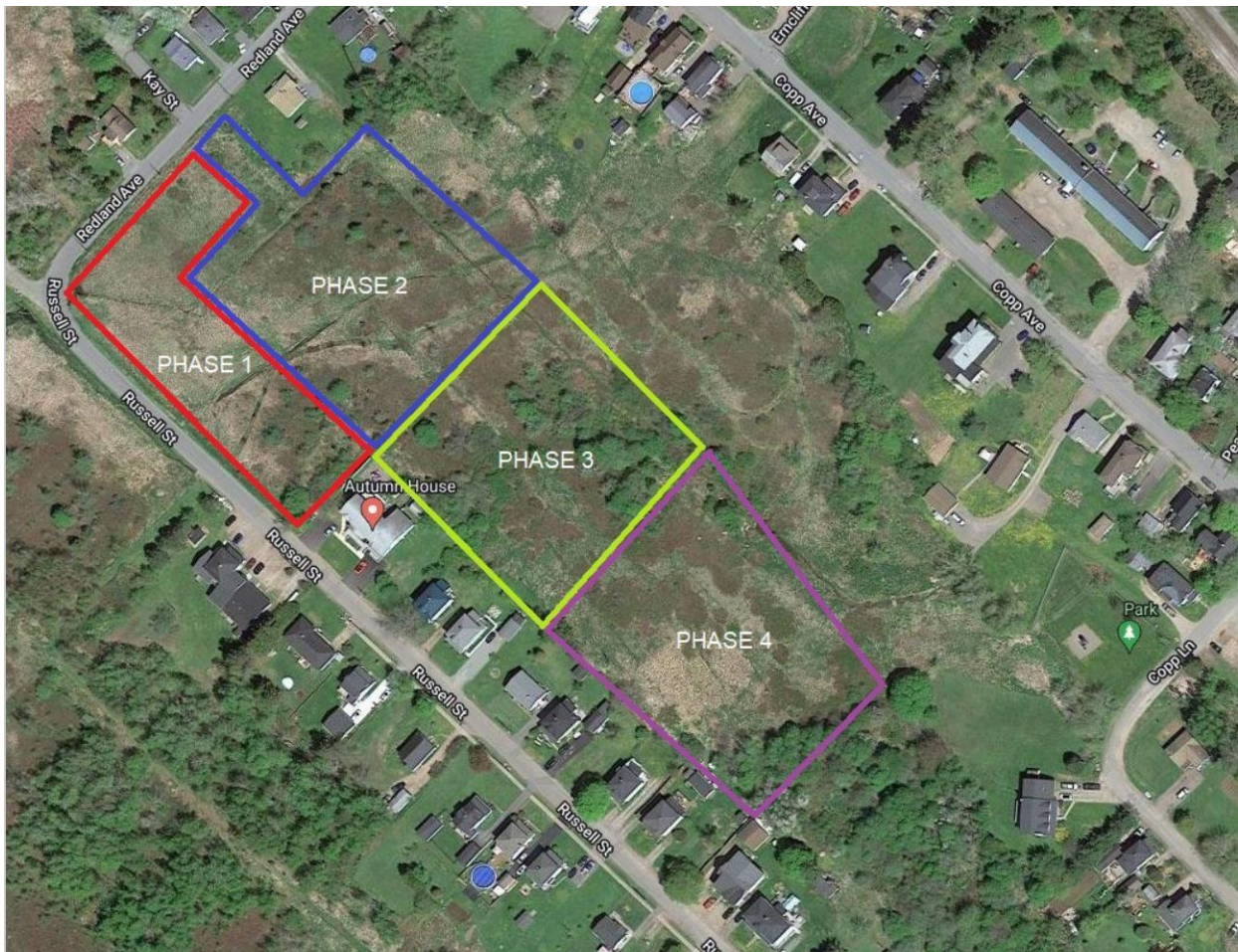
Jason MacDonald, MCIP, LPP
Chief Administrative Officer

David Kogon, MD
Mayor

The Developer:

Tony Aalders

**SCHEDULE 'A'
MAP OF THE DEVELOPMENT**



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		
* 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) Estimated by Engineer and final adjustment when work is done	Cost of Service	Plus HST

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
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

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

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

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.”

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		

**4.8 Substance Use Policy Amendments
 Moved By Councillor Chambers
 Seconded By Councillor Emery
 That Council approve the Substance Use Policy amendments.**

Motion Carried

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.

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 Unsightly Premises Administrator
- Operator with Refrigeration Class II
- Parks and Stadium Supervisor
- Parks, Maintenance and Stadium Operator
- Stadium Attendant
- Parks Attendant
- Recreation Maintenance
- Sub Foreman
- 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.

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.

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:

	<ul style="list-style-type: none"> 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	<p>Human Resources will:</p> <ul 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	<p>Managers and Supervisors will:</p> <ul style="list-style-type: none"> a. Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions; 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.
Employees	<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: _____

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

4.9 Industrial Park Land Acquisition

Moved By Councillor Landry

Seconded By Councillor Chambers

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.

Motion Carried

4.10 Library Funding

Moved By Deputy Mayor Fawthrop

Seconded By Councillor Landry

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

Motion Carried

5. INTERNAL COMMITTEE REPORTS

5.1 Planning Advisory Committee - Landry

Information item only; no direction given or action required.

5.2 Amherst Board of Police Commissioners - Davidson

Information item only; no direction given or action required.

5.3 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 L. A. Animal Shelter - Fawthrop

Information item only; no direction given or action required.

6.4 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

**Town of Amherst
Public Hearing
Minutes**

Date: February 8, 2024
Time: 5:00 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 Leon Landry
Councillor Lisa Emery

Staff Present Andrew Fisher, Director, Planning & Strategic Initiatives
Torben Laux, Planner
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

Mayor Kogon called the Public Hearing to order.

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. 15 & 31 VICTORIA STREET EAST

3.1 Staff Report

Andrew Fisher presented the Development Agreement application to permit construction of a 6-storey, 62-unit mixed use commercial and residential building at 15 & 31 Victoria Street East (PIDs: 25033747, 25005430, 25506698).

3.2 Council Questions / Comments

Councillor Baker spoke to the application, noting the rate at which Moncton has grown and that this development will be great for downtown Amherst and the area in general. He feels the facade will fit nicely and he is happy to see that all bylaws and policies are being met.

Deputy Mayor Fawthrop looked for clarification around parking, indicating that the application provides for 75 underground and 25 surface parking spots for both this development as well as for phase 1 which has already been approved, he asked how many units are contained in phase 1. Mr. Fisher replied there will be 24 units.

3.3 Public Questions / Comments

For the record, the Clerk read the following written submission in support of the application:

As a landlord in Amherst, anytime we advertise our rentals the number of people that contact us saying they are in need of somewhere to live is so overwhelming. The proposed building could help the town tremendously! I fully support this and I am excited for the people of Amherst who are in need of a place to live.

*Shannon Livingstone
68 Academy Street*

Brian Wood of Amherst asked who the developer is, to which Mr. Fisher replied Casey Realty. Mr. Wood further asked if an award has been made for construction, Mr. Fisher advised Mr. Wood he would need to speak with Casey Realty regarding this.

4. Adjournment

There being nothing further, Mayor Kogon adjourned the Public Hearing.

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

**Amherst Town Council
Special Meeting
Minutes**

Date: February 13, 2024
Time: 12:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Dale Fawthrop (via Zoom)
Councillor Charlie Chambers
Councillor George Baker (via Zoom)
Councillor Leon Landry
Councillor Lisa Emery

Members Absent Councillor Hal Davidson

Staff Present Jason MacDonald, Chief Administrative Officer
Aaron Bourgeois, Director, Operations
Greg Jones, Director, Fire Services
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

1. CALL TO ORDER

Mayor Kogon called the Special Council meeting to order.

1.1 TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

2. REQUEST FOR DECISION

2.1 Marshview Drive Land Purchase

Moved By Deputy Mayor Fawthrop

Seconded By Councillor Emery

That Council amend the 2023/24 capital budget to include \$200,000 for the 2024 costs associated with the purchase of Marshview Drive Extension, to be funded from reserves, and authorize the CAO to complete the property purchase.

Motion Carried

3. ADJOURNMENT

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

Natalie LeBlanc
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

Municipal Election 2024

Municipal elections are set for October 19, 2024 across the province. Further to this, there are several recommendations, mostly procedural in nature, that Council must approve.

To provide some background on these recommendations, staff have used the permanent list of electors for all Town elections since 1997. The CAO, on behalf of the Town, enters into a sharing agreement with Elections Nova Scotia. In exchange for the use of the permanent list, the Returning Officer agrees to return a revised, updated list to Elections Nova Scotia following the October municipal election.

It is also a requirement of Council to appoint a Returning Officer and an Assistant Returning Officer.

Additionally, in early 2018 Council approved the Alternative Voting Bylaw A-7, which gave Council the ability to authorize voters to vote electronically or by telephone. With two successful electronic only elections (2020 and 2023) and the accessibility of electronic voting, it is recommended that the 2024 election be conducted fully electronic (telephone and internet) through the service provider Intelivote Systems Inc.

Advance polls will open on Thursday, October 10, 2024 until Election Day with assistance being provided for those who require it during regular business hours at Town Hall.

MOTION:

That Council approve of the following recommendations for the 2024 Municipal Election:

- **That Council authorize expenditures for the October 2024 Municipal Election;**
- **That Council gives authority to the CAO to determine the Tariff of Fees and Expenses for the 2024 Municipal Election;**
- **That Council appoint Kimberlee Jones as the Returning Officer for the 2024 Municipal Election and also appoint Natalie LeBlanc as the Assistant Returning Officer;**
- **That Council agree to a full electronic/alternative voting method (internet and telephone) from Intelivote Systems Inc for the 2024 Municipal Election;**
- **That Council set the dates for the advance polling period from Thursday October 10, 2024 to the close of voting on regular election poll day October 19, 2024; and**
- **That Council authorizes the use of the Nova Scotia permanent registry of voters provided by Elections Nova Scotia as the preliminary list of electors.**

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Kimberlee Jones, Returning Officer

DATE: February 26, 2024

SUBJECT: 2024 Municipal Election

ORIGIN: Municipal Election October 2024

LEGISLATIVE AUTHORITY: *Municipal Elections Act*. R.S., c. 300, s. 1. **Sec 146A (1)** A council may by by-law authorize voters to vote by mail, electronically or by another voting method.

Alternative Voting Bylaw A-7

RECOMMENDATION: That Council approve of the following recommendations for the 2024 Municipal Election:

- That Council authorize expenditures for the October 2024 Municipal Election
- That Council gives authority to the CAO to determine the Tariff of Fees and Expenses for the 2024 Municipal Election
- That Council appoint Kimberlee Jones as the Returning Officer for the 2024 Municipal Election and also appoint Natalie LeBlanc as the Assistant Returning Officer
- That Council agree to a full electronic/alternative voting method (internet and telephone) from Intelivote Systems Inc for the 2024 Municipal Election
- That Council set the dates for the advance polling period from Thursday October 10, 2024 to the close of voting on regular election poll day October 19, 2024
- That Council authorizes the use of the Nova Scotia permanent registry of voters provided by Elections Nova Scotia as the preliminary list of electors.

BACKGROUND: The Alternative Voting Bylaw was approved in 2018. In 2020, with the COVID situation and multiple lockdowns and restrictions, Council authorized a fully alternative voting election process. This saw voting done exclusively by telephone or internet with no paper ballots, through Intelivote Systems Inc. We also used Intelivote's services to conduct a special election in early 2023. There were no issues with the functioning of the 2020 or the 2023 election process.

DISCUSSION: Nova Scotia municipalities have embraced alternative voting. Since 2016 the number of units choosing this form of election management has exponentially increased. While planning is still underway, we understand the majority of units are recommending a fully electronic/alternative voting process.





AMHERST TOWN COUNCIL

RFD# 2024016

Date: February 26, 2024

Electronic voting reduces barriers and allows voters the ability to vote by phone or online from anywhere with an internet/phone connection. In the 2020 election, voter participation was 52.4% with voting via an internet enabled device was 80%, and telephone voting was 20%. We provide voter assistance during business hours at town hall. The use of this service dramatically dropped in 2023 from 2020 and indicated people found the Intelivote System easy to use and were comfortable with it.

With two successful electronic elections (2020 and 2023) and the accessibility of electronic voting it is recommended that the 2024 election be conducted fully electronic (telephone and internet) through the service provider Intelivote Systems Inc.

FINANCIAL IMPLICATIONS: A budget of \$35,750 has been developed.

SOCIAL JUSTICE IMPLICATIONS: Online and telephone voting is more accessible to the general public than physically travelling to the polls. It is also more likely to better engage younger and marginalized voters who traditionally have lower voter turnout.

ENVIRONMENTAL IMPLICATIONS: An all electronic election will benefit the environment. No paper ballots, disposable ballot boxes, less emissions as people are not driving to the polls.

COMMUNITY ENGAGEMENT: In the summer details of the election process will be heavily promoted.

ALTERNATIVES: 1) Do not use alternative voting. Using a hybrid or traditional paper election will increase the cost significantly. And concerns about staffing a traditional election are extremely challenging.

Council may choose to go to an RFP for electronic voting services in lieu of sole sourcing to Intelivote. This would add complexity to the project timeline but is within Council's discretion.

ATTACHMENTS:

Report prepared by:

Report and Financial approved by:



SYNOPSIS

15 & 31 East Victoria Street Development Agreement Second Reading

The attached development agreement would allow the construction of a 6-storey mixed-use building that will front along East Victoria Street at the Lawrence Street intersection. The agreement will also provide for the already approved 3-story, 24-unit apartment building that will front along Electric Street. The two buildings will be joined by a common underground parking area, as well as surface parking and landscaped areas.

An advertised Public Participation Opportunity was held on January 3, 2024. Members of the public in attendance were in support of the proposal. On January 8th the Planning Advisory Committee recommended that Council enter into the attached development agreement. An advertised Public Hearing was held on February 8th where the public expressed support for the development.

Approval of this agreement will allow a significant increase in both ground floor commercial space, but will also add up to 89 dwelling units in the downtown core area.

MOTION:

That Council give Second Reading of the Development Agreement for 15 and 31 East Victoria Street.



AMHERST TOWN COUNCIL

RFD# 2024017

Date: February 26, 2024

TO: Mayor Kogon and Members of Council

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

DATE: February 26, 2024

SUBJECT: 15 & 31 East Victoria Development Agreement – Second 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.

RECOMMENDATION: That Council give Second Reading of the Development Agreement for 15 and 31 East Victoria Street.

BACKGROUND: Attached is the draft development agreement. An advertised Public Participation Opportunity was held on January 3, 2024, with an advertised Public Hearing held on February 8th. 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, which will reduce reliance on personal vehicles.





AMHERST TOWN COUNCIL

RFD# 2024017

Date: February 26, 2024

COMMUNITY ENGAGEMENT: An advertised Public Participation Opportunity was held on January 3, 2024, with an advertised Public Hearing held on 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:



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.

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

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

Terms and Conditions:

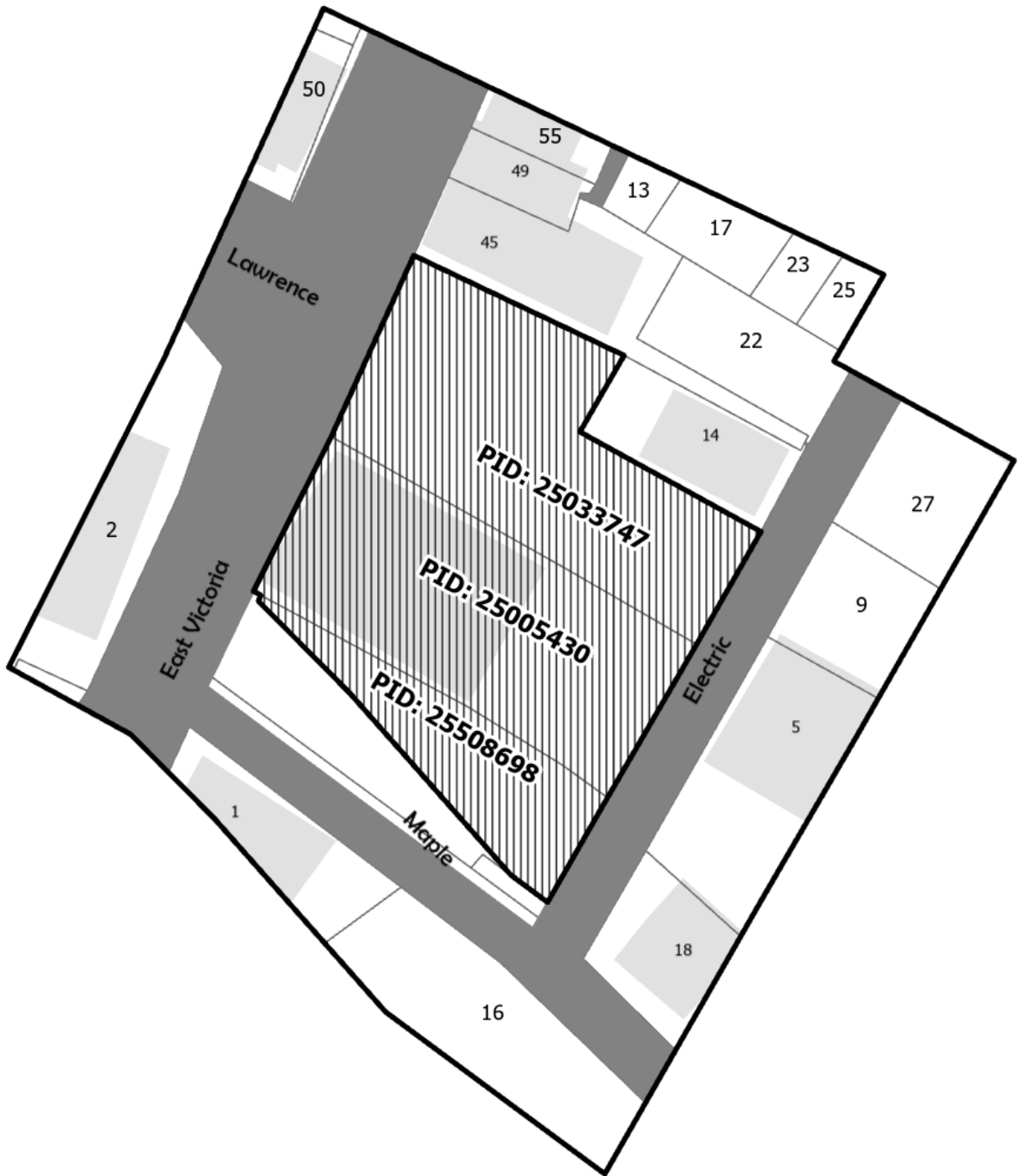
1.0 USE OF LAND AND BUILDINGS

- 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.

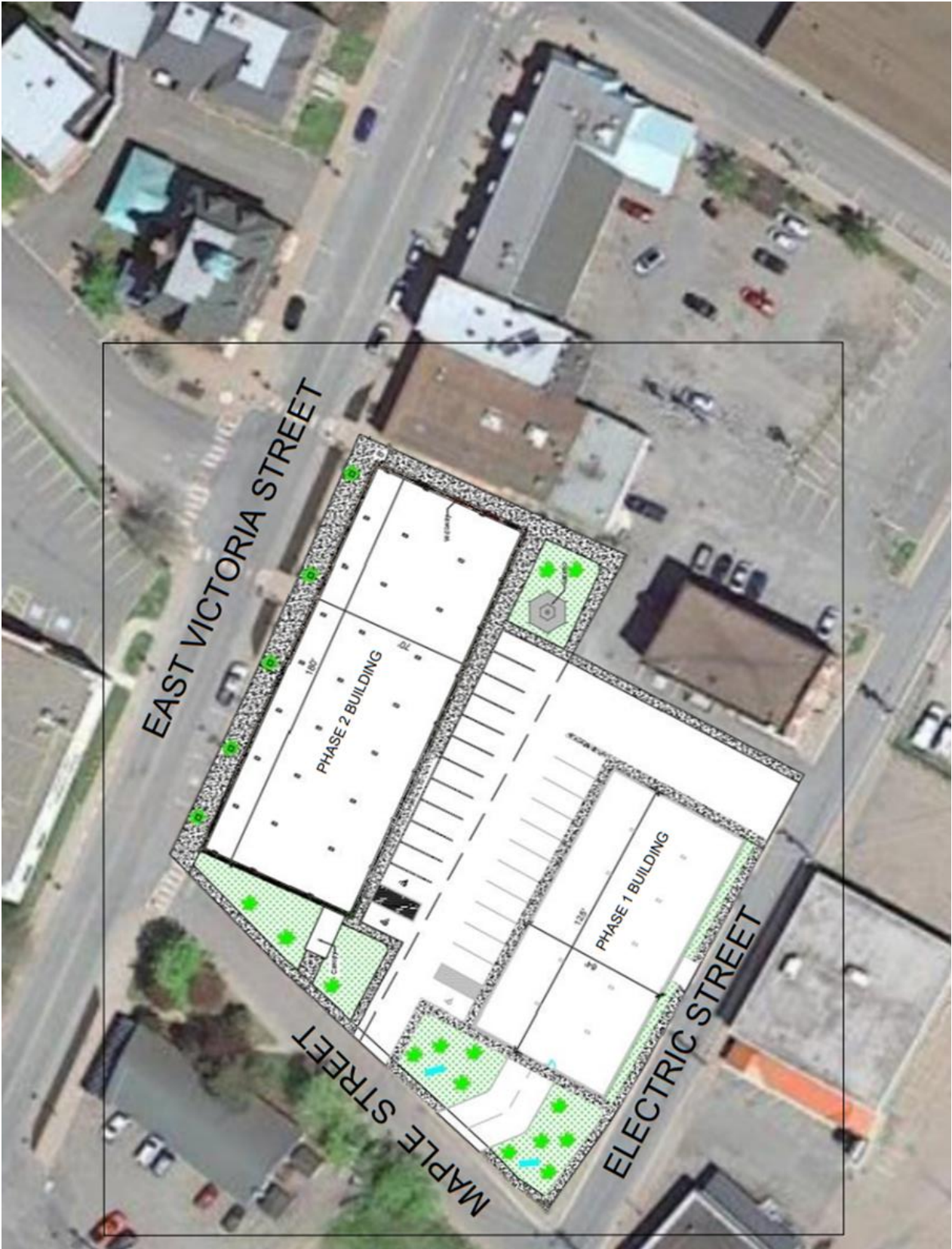
2.0 GENERAL REQUIREMENTS

- 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'

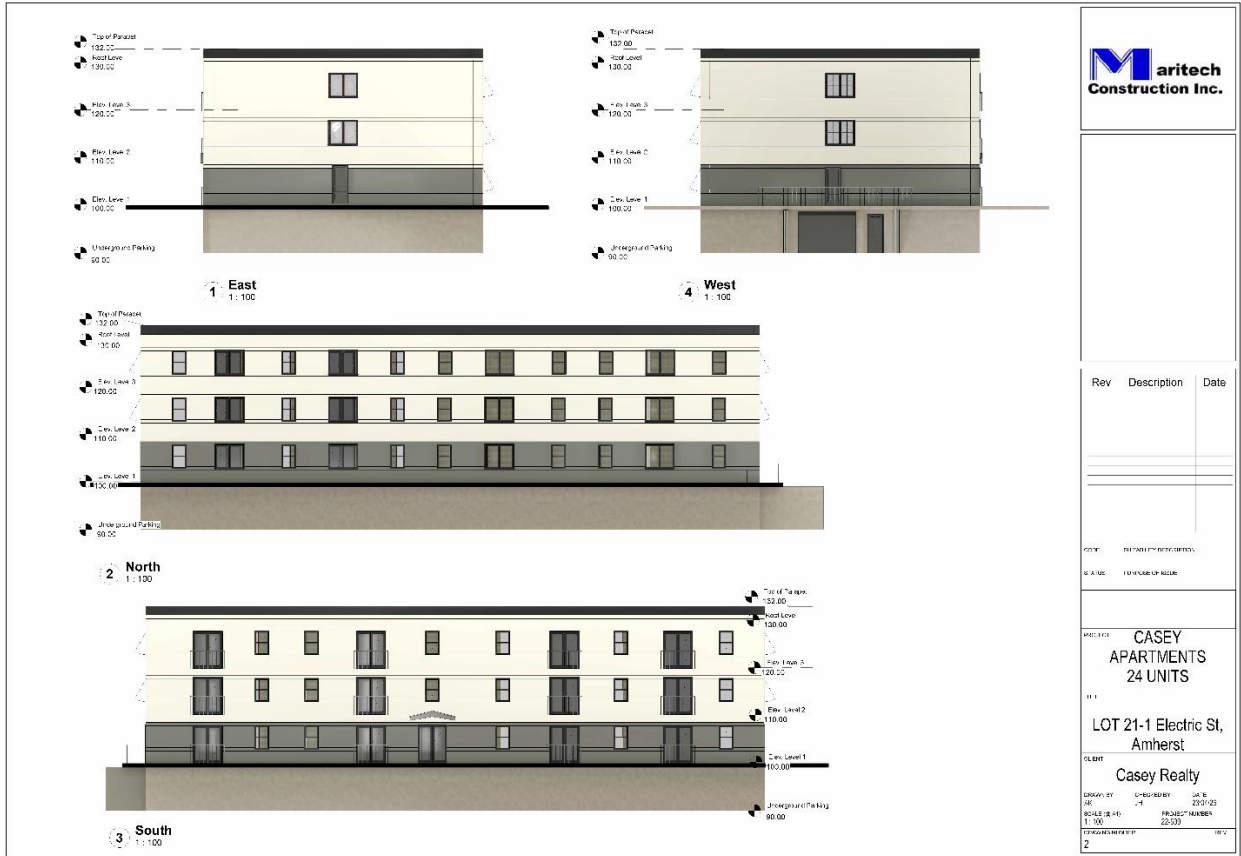


SCHEDULE 'C'

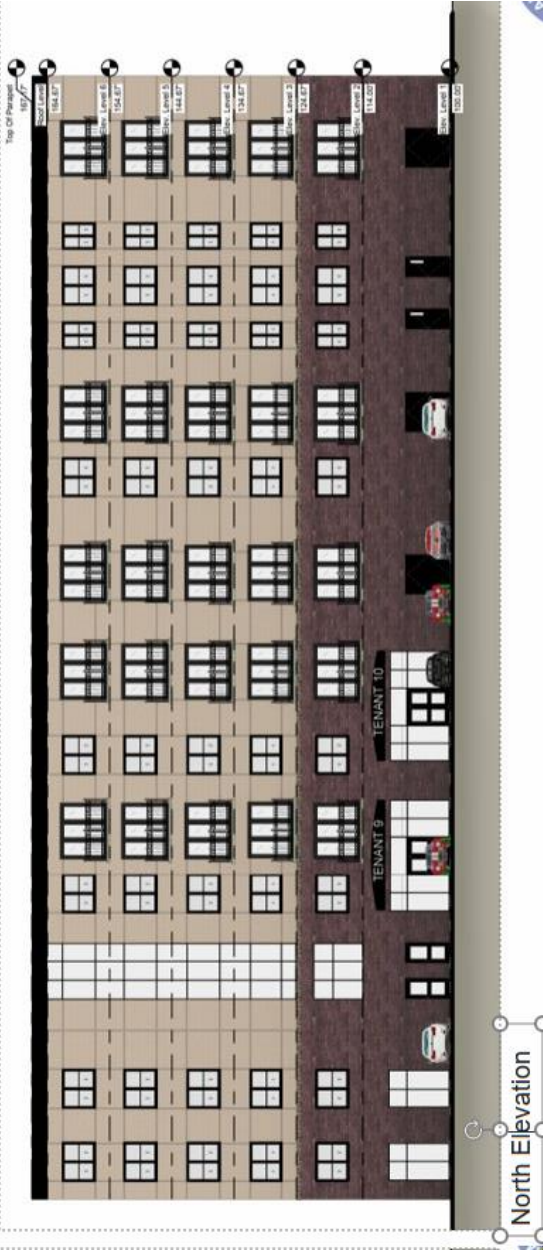


SCCHEDULE 'D'

Phase 1 Building



SCHEDULE 'C' Phase 2 Building



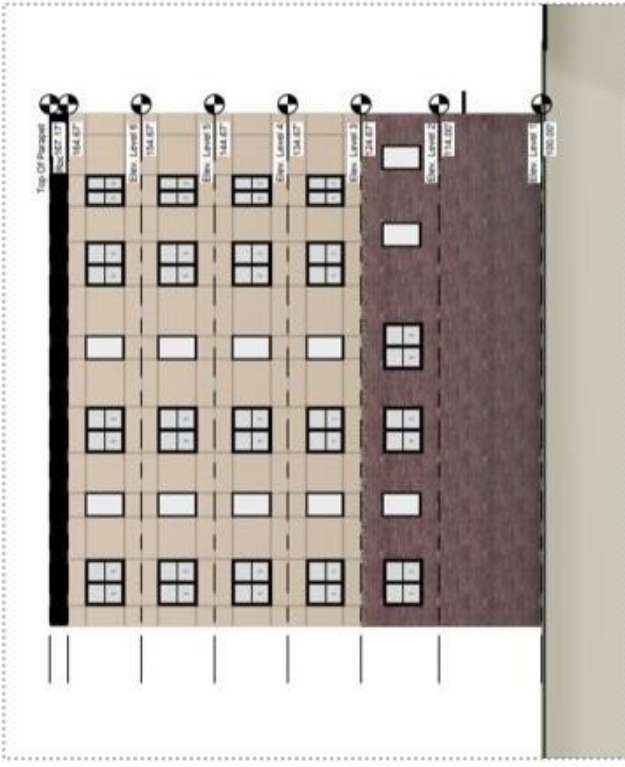
SCHEDULE 'C' Phase 2 Building



SCHEDULE 'C' Phase 2 Building



West Elevation



East Elevation

SYNOPSIS

Dr. & Mrs. H.E. Christie Community Foundation Donation

The Town received correspondence from the Dr. & Mrs. H.E. Christie Community Foundation advising that their board approved conditional grants, pending approval from the Town of Amherst totaling \$35,250 to the following:

- Amherst Little League - \$18,000 toward the cost of sounds systems or scoreboards at their two main fields;
- Royal Canadian Legion Branch 10 Amherst - \$2,000 toward signage commemorating the Cumberland portion of the route of the battalion march of the North Novies from Amherst in World War II;
- Amherst Pre-School Association - \$2,500 to assist with their annual rent so they can maintain the affordability of their program; and
- Cumberland County Minor Hockey Association - \$12,750 toward the cost of development camps.

The Foundation is asking if Council will accept this donation from them in the above amount, issue a donation acknowledgement letter and provide grants as listed above.

There would be no financial implications for the Town in this transaction as the grant would be fully offset by the donation. The Town of Amherst has accepted donations of this nature in the past and provided a donation acknowledgement letter to the donor and disbursed funds to the requested recipient. The key is that the disbursement is approved by Council and is for an expenditure which the municipality has the authority to spend.

MOTION:

That Council approve the request to receive a donation of \$35,250 from the Dr. & Mrs. H.E. Christie Community Foundation to fund the grants listed below:

- **\$18,000 to the Amherst Little League;**
- **\$2,000 to the Royal Canadian Legion Branch 10 Amherst;**
- **\$2,500 to the Amherst Pre-School Association; and**
- **\$12,750 to the Cumberland County Minor Hockey Association.**



AMHERST TOWN COUNCIL

RFD# 2024012

Date: February 26, 2024

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Sarah Wilson, Director of Finance

DATE: February 26, 2024

SUBJECT: Donation Requests from the Dr. & Mrs. H.E. Christie Community Foundation

ORIGIN:

Correspondence from the Dr. & Mrs. H.E. Christie Community Foundation that they will donate \$35,250 to the Town provided that the Town, in turn, provides the following grants; \$18,000 to the Amherst Little League, \$2,000 to the Royal Canadian Legion Branch 10 Amherst, \$2,500 to the Amherst Pre-School Association and \$12,750 to the Cumberland County Minor Hockey Association.

LEGISLATIVE AUTHORITY:

Income Tax Act – Canada Revenue Agency Charity Guideline
Registered municipalities are considered qualified donees by the Canada Revenue Agency and therefore can issue official donation receipts and are eligible to receive gifts from registered charities.

RECOMMENDATION:

That Council approve the request to receive a donation of \$35,250 from the Dr. & Mrs. H.E. Christie Community Foundation to fund the grants listed below:

- \$18,000 to the Amherst Little League;
- \$2,000 to the Royal Canadian Legion Branch 10 Amherst;
- \$2,500 to the Amherst Pre-School Association; and
- \$12,750 to the Cumberland County Minor Hockey Association

BACKGROUND:

The Town of Amherst has accepted donations of this nature in the past and provided a donation acknowledgement letter to the donor and disbursed funds to the requested recipient. The key is that the disbursement is approved by Council and is for an expenditure which the municipality has the authority to spend.

DISCUSSION:

The Town received correspondence from the Dr. & Mrs. H.E. Christie Community Foundation advising that their board approved conditional grants, pending approval from the Town of Amherst totaling \$35,250 to the following:



- Amherst Little League - \$18,000 toward the cost of sounds systems or scoreboards at their two main fields;
- Royal Canadian Legion Branch 10 Amherst - \$2,000 toward signage commemorating the Cumberland portion of the route of the battalion march of the North Novies from Amherst in World War II;
- Amherst Pre-School Association - \$2,500 to assist with their annual rent so they can maintain the affordability of their program; and
- Cumberland County Minor Hockey Association - \$12,750 toward the cost of development camps.

The Foundation is asking if Council will accept this donation from them in the above amount, issue a donation acknowledgement letter and provide grants as listed above.

FINANCIAL IMPLICATIONS:

There would be no financial implications for the Town in this transaction as the grant would be fully offset by the donation.

COMMUNITY ENGAGEMENT:

No community engagement is contemplated in carrying out this request. The community engagement occurred between the organizations and the Dr. & Mrs. H.E. Christie Community Foundation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications are anticipated with this business process.

ALTERNATIVES:

1. Refer the matter to the February 26, 2024 regular Council meeting for Council's consideration of accepting donation the from the Dr. & Mrs. H.E. Christie Community Foundation and providing grants;
2. Decline this request.

ATTACHMENTS:

- Letter from Dr. & Mrs. H.E. Christie Community Foundation re: conditional grants.

Report prepared by: Sarah Wilson, Director of Finance

Report and Financial approved by:



Christie - Smith Community Fund

consisting of

The Hugh E. Christie Fund and the Michael D. Smith Fund
administered by



The Dr. & Mrs. H.E. Christie Community Foundation

Christie Fund

P.O Box 986, Amherst, Nova Scotia B4H 4E1
Phone: (902) 667-3209 E-mail: TCCF@eastlink.ca

Smith Fund

Trustees:

8 January 2024

David H. Christie
Morris J. Haugg
Jennifer Brennan
Barry MacLeod
Donna Fitzpatrick
Mark Carter
Linda Macleod

Town of Amherst
Attn: Sarah Wilson
98 Victoria St. East
Amherst, NS
B4H 1X6

Re: Conditional Grants

Dear Sarah,

At their December meeting, the Board of Trustees of the Christie Community Foundation approved the following conditional grants, pending approval from the Town of Amherst to facilitate these grants, as follows:

- 1) Amherst Little League - \$18,000 toward the cost of sound systems or scoreboards at their two main fields.
- 2) Royal Canadian Legion Branch 10 Amherst – North Novies Recognition Committee - \$2,000 toward signage commemorating the Cumberland County portion of the route of the battalion march of the North Novies from Amherst in World War II.
- 3) Amherst Pre-School Association - \$2,500 to assist with their annual rent so they can maintain the affordability of their program.
- 4) Cumberland County Minor Hockey Association - \$12,750 toward the cost of development camps.

Once these requests have been considered, please advise me of the decision of Council. Then I will proceed on payment of the grant funds to the Town.

Thank you again for your assistance!

Yours truly,

John Matthews
Administrator

PS – Sarah, on a personal note, you have our condolences on the passing of your father.

SYNOPSIS

SALARY ADMINISTRATION POLICY AMENDMENTS

Following a review of the structure of the Finance and Human Resources and Customer Services departments, the following changes are recommended to enhance service delivery in both departments:

1. **Introduction of new position:** Staff are recommending a new position, Manager of Financial Services, reporting to the Director of Finance. This position will manage and support front-line financial services staff and provide assistance to the Director of Finance as required.
2. **Movement of existing staff to finance department:** Following the approval and installation of the new position, existing staff currently reporting to the Director of HR + Customer Services will move to the Finance department. These include:
 - Revenue Officer
 - Water/Sewer Billing Clerk
 - Cashier/Customer Service

The addition of the new Manager of Financial Services position is estimated at \$100,000 (salary and benefits) and will be accommodated within the 2024/25 operating budget.

MOTION:

That Council approve the amendments to the Salary Administration Policy to add the position of Manager of Financial Services.

TO: Mayor Kogon and Members of Council

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

DATE: February 26, 2024

SUBJECT: **Salary Administration Policy: New Position**

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

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

RECOMMENDATION: That Council approve the amendments to the Salary Administration Policy.

BACKGROUND: Restructuring of the Financial Services department.

DISCUSSION: Following a review of the structure of the finance and HR/customer services departments, the following changes are recommended to enhance service delivery in both departments:

1. **Introduction of new position:** Staff are recommending a new position, Manager of Financial Services, reporting to the Director of Finance. This position will manage and support front-line financial services staff and provide assistance to the Director of Finance as required.
2. **Movement of existing staff to finance department:** Following the approval and installation of the new position, existing staff currently reporting to the Director of HR + Customer Services will move to the Finance department. These include:
 - Revenue Officer
 - Water/Sewer Billing Clerk
 - Cashier/Customer Service



In considering a suitable salary range for the new position of Manager of Financial Services, staff reviewed the roles and responsibilities and salaries of the equivalent position in other municipal units. The salary information is shown here for information:

Manager of Financial Services		
<u>Municipality</u>	<u>Low Range</u>	<u>High Range</u>
Cumberland County	73,840	95,680
Colchester	78,501	91,037
County of Kings	75,000	97,500
East Hants	76,342	95,428
Lunenburg	78,833	98,541
Windsor/West Hants	79,480	95,376
Antigonish	75,496	87,529
Truro	92,261	106,866
Bridgewater	86,679	110,319
AVG	79,604	97,586

Following this review, we are recommending the addition of a new salary level for the Manager of Financial Services position, 7a, with a range of 80,200 – 90,389. This range was calculated by taking the average of each step in levels 7 and 8:

APPENDIX C-1
April 1, 2024

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
8	87,814	89,656	91,502	93,346	95,189	97,034	98,878	100,722
7a	80,200	81,654	83,111	84,566	86,022	87,478	88,933	90,389
7	72,585	73,652	74,719	75,786	76,854	77,921	78,988	80,055
6	60,481	62,314	64,148	65,981	67,814	69,647	71,481	73,314
5	53,620	55,078	56,535	57,992	59,449	60,906	62,363	63,820
4	52,037	53,357	54,676	55,996	57,315	58,635	59,954	61,273
3	43,753	45,519	47,285	49,051	50,816	52,582	54,349	56,114
2	40,247	41,252	42,256	43,260	44,264	45,269	46,272	47,277
1	37,566	38,452	39,339	40,226	41,112	41,999	42,886	43,772

Following approval, a hiring competition will be held to fill the position.

FINANCIAL IMPLICATIONS: The addition of the new Manager of Financial Services position is estimated at \$100,000 (salary and benefits) and will be accommodated within the 2024/25 operating budget.

COMMUNITY ENGAGEMENT:

No community engagement is required.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: The restructuring will improve service delivery within the finance department.

ALTERNATIVES:

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

ATTACHMENTS: Policy No. 04530-01, Salary Administration Policy

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

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

APPROVAL DATE: September 25, 2023

CAO Signature: _____

PURPOSE

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

POLICY STATEMENT

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

OBJECTIVES

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

DEFINITION OF TERMS

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

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

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

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

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

SALARY GRID:

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

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

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

STEP ADJUSTMENTS

Step adjustments shall be made only when:

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

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

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

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

TRAVEL VEHICLE ALLOWANCES:

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

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

LUNCH BREAKS:

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

PERFORMANCE EVALUATION:

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

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

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

SCOPE OF RESPONSIBILITY:

The Town Council shall:

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

The Chief Administrative Officer shall:

1. Review and recommend changes to policy and procedures as they relate to the employee compensation program.
2. Ensure the maintenance of the salary rating and performance appraisal procedures.
3. Conduct salary rating and performance evaluation procedures relative to Director positions.
4. Monitor salary surveys and make recommendations to Council concerning market conditions as appropriate with an overall market review to be completed every three (3) years, or as directed by Council.
5. Grant step and/or merit adjustments to individual employees in accordance with approved policies and procedures and subject to budgeting limitations.
6. Maintain all personnel files and records.
7. Determine salary ratings for temporary and casual positions.

The Director Shall:

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

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

APPENDIX A

January 1, 2019

Town of Amherst
Salary Grid

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

APPENDIX A-1

April 1, 2022

Salary Grid
Other Non-Union Positions

Job Level
Chief of Police
Deputy Chief of Police

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

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

APPENDIX B

October 1, 2023

Town of Amherst

Hourly Rate Grid – Casual

Job Title	Hourly Rate				
	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	17.27	17.55	17.86	18.17	18.46
Jail Guards	17.27	17.55	17.86	18.17	18.46
Canine Control Officer	15.13	15.64	16.16	16.68	17.28
School Crossing Guards	15.13	15.64	16.16	16.68	17.28
Ice Marshall	15.07	15.55	16.08	16.59	17.18
Other	Provincial Minimum Wage				
New Student	Provincial Minimum Wage				
Returning Student	Provincial Minimum Wage + \$1.00/hour				
Professional Student*	Provincial Minimum Wage + \$3.00/hour				

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

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

APPENDIX C JOB CATEGORIES

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

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

APPENDIX C-1

April 1, 2024

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
8	87,814	89,656	91,502	93,346	95,189	97,034	98,878	100,722
7a	80,200	81,654	83,111	84,566	86,022	87,478	88,933	90,389
7	72,585	73,652	74,719	75,786	76,854	77,921	78,988	80,055
6	60,481	62,314	64,148	65,981	67,814	69,647	71,481	73,314
5	53,620	55,078	56,535	57,992	59,449	60,906	62,363	63,820
4	52,037	53,357	54,676	55,996	57,315	58,635	59,954	61,273
3	43,753	45,519	47,285	49,051	50,816	52,582	54,349	56,114
2	40,247	41,252	42,256	43,260	44,264	45,269	46,272	47,277
1	37,566	38,452	39,339	40,226	41,112	41,999	42,886	43,772

ROLES AND RESPONSIBILITIES

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

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
<ol style="list-style-type: none"> NS minimum wage updates; Position name changes: Municipal Clerk, Dir. Corp. Communications + Info Technology, removal of GIS Coordinator, addition of Engineering Technician 	Crossman: Director, HR and Customer Services	Council	March 27, 2023
Appendix B – amendment to the pay structure for student hourly rate of pay.	Director of HR & Customer Services	Council	April 24, 2023
NS minimum wage updates	Director of HR & Customer Services	Council	September 25, 2023
Addition of new position: Manager of Financial Services	Director of HR & Customer Services	Council	

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

MINUTES REFERENCE DATE

December 12, 2000
December 18, 2006
September 29, 2008
April 26, 2010
May 23, 2012
September 23, 2013
May 21, 2015
May 23, 2017
February 26, 2018
June 7, 2021
March 27, 2023

November 2, 2004 (See April 26, 2004 Minutes)
February 26, 2007
March 30, 2009
March 28, 2011
November 26, 2012
October 28, 2013
March 29, 2016
June 26, 2017
March 14, 2018
October 5, 2021
April 24, 2023

March 31, 2008
September 28, 2009
August 2, 2011
December 17, 2012
December 16, 2013
May 25, 2016
September 25, 2017
February 28, 2019
November 29, 2021
September 25, 2023

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

SYNOPSIS

EMPLOYMENT EQUITY POLICY

The review of all HR policies includes the review of existing policies, but also identified gaps where new policies will be developed and recommended.

While much great work has taken place via the implementation of inclusion, diversity, equity and accessibility concepts and strategic goals in the community thus far, staff developed the Employment Equity Policy as a means to integrate these concepts internally and apply them to our workplace practices and procedures. The Employment Equity policy serves as a central policy to be used to guide the review of all other HR policies to ensure our employment practices and policies are inclusive, accessible and equitable for all employees and members of Council.

The implementation of this policy supports and reinforces the Town of Amherst's commitment to being a more welcoming and inclusive community and workplace.

MOTION:

That Council approve the new Employment Equity Policy.

TO: Mayor Kogon and Members of Council

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

DATE: February 26, 2024

SUBJECT: Employment Equity 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 the new Employment Equity Policy.

BACKGROUND: Staff introduced the newly created Employment Equity policy at the October 23, 2023 Committee of the Whole meeting.

DISCUSSION: At the October 23, 2023 Committee of the Whole meeting, Council made a motion to refer the Employment Equity policy to the Inclusion, Diversity and Equity (IDE) Committee for a review and recommendation back to Committee of the Whole. The IDE committee reviewed the policy at their January 17, 2024 meeting.

During the IDE committee meeting, committee members discussed their desire to redefine the definition of the “Equal Opportunity Employer” guiding principle, specifically as it related to the use of the word “ability”. The committee members asked for additional time to review the policy and were asked to return recommendations by February 8, 2024.

No formal recommendations have been received; however, HR staff have revised the guiding principle definition for “Equal Opportunity Employer” for Council’s consideration. The initial guiding principle reads as:

“We are dedicated to achieving equity in the workplace so that no person will be denied employment or promotional opportunities for reasons unrelated to ability.” This original definition is a modified excerpt from the Government of Canada’s Employment Equity Act.

Based on the discussion amongst IDE committee members when reviewing the policy, we are recommending the guiding principle be revised to:

“We are dedicated to achieving equity in the workplace. All individuals have the right of equal opportunity to employment and promotion without regard to race, nationality or ethnic origin, color, religion, age, gender, gender identity or expression, marital or family status, or disability.”



Using this language is more consistent with the language used in the Town's hiring practices and on all job postings. This amendment is highlighted in yellow on the attached policy.

FINANCIAL IMPLICATIONS: Approving the proposed policy will have no financial implication. There may be future financial implications as focus areas are implemented (such as staff training). These will be reviewed by senior management and incorporated into operational budgets as required.

COMMUNITY ENGAGEMENT: No external community engagement was completed. Internally, the draft Employment Equity Policy was created by HR staff who are trained in workplace diversity and culture strategies as well as researching best practices. The policy was then reviewed collaboratively with all Directors for input and reviewed by the Town's Inclusion, Diversity and Equity Committee.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: The implementation of this policy supports and reinforces the Town of Amherst's commitment to being a more welcoming and inclusive community and workplace.

ALTERNATIVES:

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

ATTACHMENTS:

Employment Equity Policy

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

TITLE: EMPLOYMENT EQUITY POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 4050-01

APPROVAL DATE: _____

CAO Signature: _____

POLICY STATEMENT

The Town of Amherst is committed to diversity and inclusion as it enriches and cultivates a culture of excellence. Attracting and leveraging a diverse workforce, and creating an environment that embraces inclusivity, ignites innovation and excellence in service delivery, engagement, and performance. Our commitment extends to achieving and sustaining a climate of Employment Equity throughout our organization, with the goal of guaranteeing that every employee enjoys a fair and equitable opportunity to engage in, and benefit from, all aspects of their employment experience.

OBJECTIVES

The objectives of this policy are to:

1. Promote a culturally competent and inclusive workforce that values diversity by establishing working conditions that are free from barriers;
2. Define the guiding principles that foster employment equity, diversity and a culturally proficient workplace that strives for inclusion;
3. Assist with the identification and removal of barriers to employment and advancement.

SCOPE

This policy applies to all prospective and current employees of the Town, regardless of employment status, and shall be in compliance with the *Nova Scotia Human Rights Act*, *Employment Equity Act* and the *Dismantling Racism and Hate Act*.

DEFINITIONS

Accessibility: the quality of an environment that enables a person to access it with ease.

Cultural Competence: Attitudes, behaviors and policies which enable employees and organizations to work effectively and develop meaningful relationships with people of various cultural backgrounds.

Disability: a physical, mental, intellectual, cognitive, sensory, learning or communication impairment, or a functional limitation, whether apparent or not, and permanent, temporary or episodic in nature, that hinders a person's full and equal participation in society when they face a barrier.

Diversity: the variety of identities found within an organization, group or society. Diversity is expressed through factors such as culture, ethnicity, religion, sex, gender, sexual orientation, age, language, education, ability, family status or socioeconomic status.

Employment Equity: encourages the establishment of working conditions that are free from barriers and seeks to correct conditions of disadvantage in employment.

TITLE: EMPLOYMENT EQUITY POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 4050-01

Equity: the principle of considering people’s unique experiences and differing situations, and ensuring they have access to the resources and opportunities that are necessary for them to attain just outcomes.

Fairness: an accessible, consistent and transparent process that is impartial, based upon the principles of merit and equity.

Inclusion: the practice of using proactive measures to create an environment where people feel welcomed, respected and valued, and to foster a sense of belonging and engagement.

Merit: hiring and promoting individuals based on their ability to perform a job.

Reasonable Accommodation: Human rights legislation requires that employers have a duty to accommodate by providing reasonable accommodations to support the special needs of all employees, for example, improving accessibility to the workplace, religious observances, and alternative work arrangements. “Reasonable” imparts a duty to accommodate unless it would impose undue hardship on the employer.

Systemic barrier: a barrier that results from seemingly neutral systems, practices, policies, traditions or cultures, and that disadvantages certain individuals or groups of people.

GUIDING PRINCIPLES

Fair Treatment

We are committed to ensuring fair treatment for all employees, acknowledging, respecting, and accommodating different needs when reasonably possible.

Inclusive Workplace

We are committed to building an inclusive workplace by drawing on the ideas and talents of all employees.

Diverse Workforce

We recognize and embrace the unique perspectives and abilities of a qualified and diverse workforce, while valuing and appreciating the skills, creativity and innovation that diversity contributes to our team.

Barrier-Free Organization

We are committed to ensuring our systems, policies, practices and work environment are barrier-free and accessible.

Integrated Approach

We are committed to building diversity and inclusion into organizational plans, policies, practices and programs.

Equal Opportunity Employer

We are dedicated to achieving equity in the workplace. so that no person will be denied employment or promotional opportunities for reasons unrelated to ability. All individuals have the right of equal opportunity to employment and promotion without regard to race, nationality or ethnic origin, color, religion, age, gender, gender identity or expression, marital or family status, or disability.

TITLE: EMPLOYMENT EQUITY POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 4050-01

FOCUS: RECRUITMENT, SELECTION & HIRING

- A. Eliminate biased language from job advertisements;
- B. Offer flexible working arrangements by default in job ads;
- C. Make job requirements clear, specific, and behavior-based;
- D. Use structured interviews and develop scoring systems and hiring criteria in advance.

FOCUS: EMPLOYEE DEVELOPMENT & TRAINING

- A. Advancing employment equity concepts in the workplace through education efforts;
- B. Including inclusion, diversity and equity training as a compulsory component of new employee orientation as well as for all hiring managers, human resources staff;
- C. Ensure inclusion and diversity training is integrated into all learning and development programs;
- D. Committing to the development of on-going, long term training strategies.

FOCUS: PROMOTION & RETENTION

- A. Ensuring transparency of promotion, pay and reward processes;
- B. Developing and implementing formal grievance procedures, offering employees alternative measures to address issues and offering resources for support networks;
- C. Performance assessments: using 360-degree evaluations to collect diverse performance information.

FOCUS: WORKPLACE FLEXIBILITY & ACCESSIBILITY

- A. Enhance workplace flexibility for all employees, allowing them to align professional responsibilities with other aspects of their lives.
- B. Make workplace or role accommodations available when reasonable and operationally viable.
- C. Improve support and flexibility in the workplace by ensuring that staff and Town Council members with disabilities have access to adaptive technologies, possible accommodations in the workplace, appropriate and supportive leave practices and return to work plans.

TITLE: EMPLOYMENT EQUITY POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 4050-01

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Chief Administrative Officer	The Chief Administrative Officer will: <ol style="list-style-type: none"> Provide leadership in promoting the principles of employment equity throughout the organization; Assist in setting goals and objectives for achieving a diverse and inclusive workforce and incorporate these goals into the municipality's broader strategic plans.
Director, HR	The Director of HR will: <ol style="list-style-type: none"> Be responsible for the effective implementation of the policy and the integration of the policy objectives into the organization's HR processes and practices; Provide support for training and education programs related to employment equity; Monitor the effectiveness of the policy and related initiatives.
Directors and Managers	Directors and Managers will: <ol style="list-style-type: none"> Ensure a welcoming and respectful environment for all employees; Encourage and participate in the training and development of staff; Translate the principles of employment equity into tangible actions within their teams.
Employees	Employees will: <ol style="list-style-type: none"> Ensure a welcoming and respectful environment for all employees; Attend and participate in diversity, employment equity and/or inclusion training as required; Participate in the accommodation process when accommodations are necessary.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
New Policy	Director, HR and Customer Services	Council	

MINUTES REFERENCE DATE

TITLE: EMPLOYMENT EQUITY POLICY
SECTION: HUMAN RESOURCE MANAGEMENT
POLICY NO: 4050-01

RESOURCES

- How to improve workplace equity: Evidence-based actions for employers, *Government of Canada* : <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/employment-equity/reports/employers-improve-workplace.html>
- Employment Equity Act, *Government of Canada*: <https://laws-lois.justice.gc.ca/eng/acts/e-5.401/>
- Guide on Equity, Diversity and Inclusion Terminology, *Government of Canada*: <https://www.canada.ca/en/department-national-defence/maple-leaf/defence/2022/05/guide-equity-diversity-inclusion-terminology.html>
- Employment Equity Policy, *Government of Nova Scotia*: <https://novascotia.ca/treasuryboard/manuals/PDF/500/50203.pdf>
- Nova Scotia Human Rights Act: <https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>
- Nova Scotia Dismantling Racism and Hate Act: <https://nslegislature.ca/sites/default/files/legc/statutes/dismantling%20racism%20and%20hate.pdf>
- Anti-Bias and Inclusion, and Diversity and Culture: Strategies for Working with Differences, *Achieve Centre for Leadership*

SYNOPSIS

TREE ADVISORY COMMITTEE POLICY REPEAL

This policy was originally approved by Council in 2009 to establish the governance of the Amherst Tree Advisory Committee. The policy provided Council and staff with direction related to dealing with Dutch Elm Diseased (DED) trees or other issues related to trees within the community.

When the policy was created Dutch Elm Disease was a significant concern to the Town and between 2005 to 2013 the Town proactively inspected and removed hundreds of DED trees from both public and private property, spending approximately \$260,000 on the DED program.

With the majority of the DED trees in our community having now been removed, this committee has not been active for the past 12 years. Staff now deal with dead or diseased trees on a case-by-case basis and are typically removing 3-4 large trees annually.

As such, the existing policy is no longer needed and should be repealed.

MOTION:

That Council repeal the Tree Advisory Committee Policy (64000-03).

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Aaron Bourgeois, Director of Operations

DATE: February 26, 2024

SUBJECT: Tree Advisory Committee Policy Review

ORIGIN: A complete policy and bylaw review is a one of Council's strategic priorities.

LEGISLATIVE AUTHORITY: MGA section 47(1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law and MGA section 48(1) Before a policy is passed, amended or repealed the council shall give at least seven days notice to all council members.

RECOMMENDATION: That Council repeal the Tree Advisory Committee Policy (64000-03).

BACKGROUND: This policy was originally approved by Council in 2009 and the purpose of the policy was to establish the governance of the Amherst Tree Advisory Committee.

The policy provides Council and staff with direction related to dealing with Dutch Elm Diseased (DED) trees within the Town of Amherst and for other issues related to trees within the community.

When this policy was created Dutch Elm Disease was a significant concern to the Town. From 2005 to 2013 the Town proactively inspected and removed hundreds of DED trees from both public and private property, spending approximately \$260,000 on the DED program.

The last committee meeting was held in January 2012.

DISCUSSION: The majority of the DED trees in our community have been removed and this committee has not been active for the past 12 years. As such, staff believe the existing policy is no longer needed and should be repealed.

For the last number of years staff have dealt with all dead or diseased trees on a case-by-case basis with the assessments being completed by staff or having the assessment completed by a professional arborist, when needed. We are typically removing 3-4 large trees annually.





AMHERST TOWN COUNCIL

RFD# 2024013

Date: February 26, 2024

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

COMMUNITY ENGAGEMENT: There is no community engagement required.

ALTERNATIVES: Do not repeal the policy and direct staff to maintain the current policy as is, or direct staff to make revisions to the existing policy.

ATTACHMENTS: Tree Advisory Committee Policy 64000-03

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



TITLE: TREE ADVISORY COMMITTEE

Minutes reference date: 23 February 2009

PURPOSE

To establish a policy for the governance of the Amherst Tree Advisory Committee.

BASIS

To provide Council and staff direction related to Dutch Elm diseased trees within the Town of Amherst and to other issues related to trees within the community which are not the direct responsibility of the Town Engineer under the *Municipal Government Act*. Dutch Elm Disease continues to be a significant concern to all municipalities in Nova Scotia including the Town of Amherst. To ensure community involvement, the Town requires the assistance from concerned community members to provide their expertise and direction so that the spread of Dutch Elm disease can be curtailed.

ROLE OF COMMITTEE

The role of a Tree Advisory Committee is to:

1. Advise Council as required from time to time with data related to Dutch Elm diseased trees in Amherst and the spread of this disease.
2. The Committee will work with staff in determining appropriate strategies and actions for the treatment and/or removal diseased trees.
3. The Committee will provide advice regarding the species of trees that the Town should plant in place of the trees that have been removed.
4. The Committee will work with staff and consider any training opportunities or resources that the Town should be accessing in addressing Dutch Elm Disease Trees in Amherst.
5. The Committee will provide advice and direction on matters related to Trees within the Town of Amherst that Council may request from time to time.

MEMBERSHIP:

1. The Council shall appoint members of the Tree Advisory Committee by resolution.
2. All members shall be residents of the Town and shall include two members of Town Council and three citizen appointees.
3. The term for citizen appointees shall be three years, and members may be re-appointed to the Committee without limitations. Citizen appointee terms shall be by fiscal year.

TITLE: TREE ADVISORY COMMITTEE

Minutes reference date: 23 February 2009

4. In September of the last year of the term, an advertisement for citizen appointees shall be placed in the local newspaper. Council will appoint members for the new term prior to the end of that year.

MEETINGS:

1. Meetings will be scheduled by the Chairperson in consultation with staff. Generally meetings will commence at 12:00 noon.
2. The committee will meet at least three times annually. All meetings are open to the public.

SYNOPSIS

APPOINTMENTS OF CITIZENS TO BOARDS, COMMITTEES AND COMMISSIONS POLICY REPEAL

As part of the by-law and policy review, the attached Appointments of Citizens to Boards, Committees & Commissions Policy was reviewed this month.

While reviewing this policy, it became clear to staff that most sections in this policy are now covered in the new Council Committees Policy, therefore making this policy redundant. The Terms of Reference for all Committees of Council also covers several of the areas included in this policy.

MOTION:

That Council repeal the Appointments of Citizens to Boards, Committees and Commissions Policy 10350-08.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Natalie LeBlanc, Municipal Clerk

DATE: February 26, 2024

SUBJECT: Appointments of Citizens to Boards, Committees and Commissions Policy Repeal

ORIGIN: A complete policy and bylaw review is a one of Council's strategic priorities.

LEGISLATIVE AUTHORITY: MGA section 47(1) The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law and MGA section 48(1) Before a policy is passed, amended or repealed the council shall give at least seven days notice to all council members.

RECOMMENDATION: That Council repeal the Appointments of Citizens to Boards, Committees and Commissions Policy.

BACKGROUND: As part of the by-law and policy review, the attached Appointments of Citizens to Boards, Committees & Commissions Policy was reviewed this month.

DISCUSSION: While reviewing this policy, it became clear to staff that most sections in this policy are now covered in the new Council Committees Policy, therefore making this policy redundant. The Terms of Reference for all Committees of Council also covers several of the areas included in this policy.

FINANCIAL IMPLICATIONS: There are no financial implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

COMMUNITY ENGAGEMENT: There is no community engagement required.

ALTERNATIVES: Do not repeal the policy

ATTACHMENTS: Appointments of Citizen to Boards, Committees and Commissions Policy.



DEPARTMENT: COUNCIL

TITLE: **APPOINTMENTS OF CITIZENS TO BOARDS, COMMITTEES & COMMISSIONS**

Minutes reference date: 8 September 1992 28 November 2011

POLICY STATEMENT

1. All appointments to boards, committees and commissions shall be ratified by Town Council at a duly constituted meeting of Council.
2. All appointments shall be for a specific period of time and may be terminated by Council at any time.
3. Term and expiry of appointments shall be in accordance with the applicable committee terms of reference.
4. Only residents of Amherst shall be appointed to boards, committees and commissions unless the terms of reference provide for appointments of non-residents.
5. Solicitation for prospective appointees for boards, committees and commissions shall be obtained by advertising in the local media and on the Town's website.
6. Town employees or their family members shall not be eligible to sit as a member of any board, committee or commission. Employees shall act as resource persons only.
7. A citizen shall be eligible to serve on not more than two boards, committees or commissions at any one time.

PURPOSE

The purpose of this policy is to clarify the appointment of members to boards, committees and commissions.

DEFINITIONS

“Boards, committees and commissions” are those agencies, either operational or advisory, created by Council, the members of which are appointed to fulfill a specific mandate.

“Family members” shall include persons of an employee's immediate family.

Internal Committee Report

Planning Advisory Committee

February 2024

The Planning Advisory Committee held a Closed Session meeting on Tuesday, February 6, 2024. The purpose of the closed meeting was to discuss a potential application for a development that may require a development agreement and an amendment to the Municipal Planning Strategy.

The Committee met again on Tuesday, February 13, 2024 regarding the dangerous state of the building at 48 York Street. The Committee passed a motion ordering the demolition of the partially collapsed building at 48 York Street within 30 days, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work with all costs charged to the property owner's tax account.

Internal Committee Report

Amherst Board of Police Commissioners

February 2024

The Amherst Board of Police Commissioners met on Tuesday, January 23, 2024 at 3:00 p.m. in Town Hall Council Chambers.

The annual Election of Chair and Vice-Chair took place, with Commissioner Paul Calder being re-elected as Chair, and Commissioner Hal Davidson being re-elected as Vice-Chair.

Cpl Tom Wood attended and gave a verbal presentation on the Major Crime Unit.

A brief verbal update was provided to the Board regarding the Strategic Planning process.

A discussion was held regarding Board training with the Department of Justice. This has been scheduled to be conducted during the regular meeting of the Amherst Board of Police Commissioners scheduled for tomorrow, Tuesday, February 27, 2024 at 3:00 p.m.

Internal Committee Report

Amherst Youth Town Council

February 2024

Our meeting this month was held over zoom on the 10th of February. The meeting was called to order at 7:38 p.m. and the first discussion item was about members being appointed to Town Committees and the expectation set forth. Abbie Byrnes would like to be appointed to the Inclusion, Diversity and Equity Committee, Lean Brunt and Rowan Blanch both expressed interest in being appointed to the Poverty Reduction Advisory Committee and Peter Sigtryggsson expressed his interest in being appointed to the Accessibility Advisory Committee.

The next topic was the Winter Carnival event on Saturday, February 17th wherein the Council discussed the possibility of encouraging participants to bring one non-perishable food item with the proceeds going to the After the School Bell program, the Food Bank, the YMCA Food Bank and the Homelessness Shelter.

The next meeting has been scheduled for February 28th at the Amherst Regional High School.

Internal Committee Report

Accessibility Advisory Committee

February 2024

The Accessibility Advisory Committee met on Wednesday, February 21, 2024 at 6:00 p.m. in Town Hall Council Chambers.

The Chair welcomed new members Clifford Pinchbeck and Vanessa Jones and introductions of Committee members were made.

Hannah MacDougall attended via zoom and gave a great presentation on Nova Scotia's Accessibility Updates.

Discussion ensued around the Strategic Plan review, the Annual Accessibility Report review, the External Playground Committee Terms of Reference and Accessibility Week 2024 which will run from May 26th to June 1st. A motion was passed that the Accessibility Advisory Committee would like to move forward with a proposed Raising Awareness Campaign during this week, and asked that staff write a campaign proposal at the direction of the CAO.

The next meeting was scheduled for Wednesday, April 17, 2024 at 6:00 p.m.

Internal Committee Report

Inclusion, Diversity & Equity Committee

February 2024

The Inclusion, Diversity and Equity Committee is scheduled to meet this Wednesday, February 28, 2024 at 6:00 p.m. in Town Hall Council Chambers.

Items on the agenda include the 2024 Acadian Festival, Inclusion, Diversity and Equity training, Inclusive Language in the Workplace, an Internal Policy review, a review of the Territorial Land Acknowledgement, a review of the Strategic Plan as well as a review of the Mi'kmaw'ki Indigenous Allyship Toolkit.

A more fulsome report will be provided to Council next month.

External Committee Report

Cumberland Public Libraries

February 2024

March Break

With the current financial situation the library has reduced its March Break programming this year. Even with that reduction we will still have programs every day at the Amherst Library.

Monday – Fingerprint Art Jewelry

Tuesday – Key Windchimes

Wednesday – Once Upon a Time & Family Fort Night and Giant Games

Thursday – Abstract Heart Painting

Friday – Decoupage Tiles & a showing of Peter Rabbit 2, The Runaway

Our programs remain free to encourage everyone to take part. Registration is required as space is limited.

Statistics

In the month of December, Cumberland Public Libraries signed out over 11,903 items, 4,790 items in Amherst alone. This includes books, movies, TV shows, magazines and more. Four Father Library offered 11 in-person programs with 219 people in attendance. The Four Fathers library had 1,664 in person visits.

Cumberland Public Libraries financial update

Revenue as of January 31, 2024

	Budgeted	As of Date
Province of Nova Scotia	775,400	775,400
County of Cumberland	186,267	139,601
Amherst	87,299	65,475
Oxford	10,334	7,751
Board Generated Funding (includes grants, fundraising, cost recovery, donations, etc)	119,300	128,807
Total Revenue	1,178,600	1,117,034

Expenditures as of January 31, 2024

Salaries and benefits	1,014,450	874,532
Library Materials	105,930	80,166
Vehicle Operation	9,050	4,118
Operating Expenses	116,600	79,265
Program Expenses	13,000	11,652
Board & staff - training and travel	9,300	8,605
Accessibility	4,000	100
Automation	27,000	21,589
Grant disbursement	1,000	68,243
Total Expenses	1,300,330	1,148,270

Next Board meeting is scheduled for February 27, 2024.

External Committee Report

Cumberland YMCA

February 2024

Membership

Total Active Members: 1649 of which 188 are subsidized.

February Membership Promo: Intro Payment for New Members.

February Personal Training Promo: Purchase session packages at a discount.

Fitness

Winter Session of Programming has begun.

Dance Dance Participant Total: 27

Soccer Stars Participant Total: 12

Run Jump Throw Wheel Participant Total: 8

Y Thrive Participant Total: 38

Personal Training Client Total: 6

Group Fitness class participation is at its highest post COVID. Classes, in all formats (spin, pool, gym, yoga etc..) range from 10-35 participants per offering.

Aquatics

Winter Session of Lessons and Programs have begun.

Group Lesson Participant Total: 156

Private Lesson Participant Total: 42

Jr Lifeguard Program: 15

Bronze Cross Course to be offered in February; currently 4 enrolled.

Fund Development

Coldest Night of the Year 2024

The Coldest Night of the Year will be held on February 24, 2024 and registration is open. We currently have 12 teams registered.

Give the Gift of Camp

Give the Gift of Camp is back for another year and will be launching the week of February 26-March 1, 2024. The Kent POS campaign will launch on March 1.

Fundraising Events Planned for 2024

Coldest Night of the Year

YMCA Fire Truck Pull

Spin-a-thon

Kids Fun Run

External Committee Report

Northern Region Solid Waste Resource Committee

February 2024

Provincial Updates

EPR for PPP

- Divert NS reported that all municipalities have registered with Divert NS and 100% have opted “in”. It is important to note that municipalities will still have the option to opt out during the consultation process.

EPR for BLAE (Batteries, Lighting, and Additional Electronics)

- New Battery, Lighting, and additional electronics regulations will see programs for these items in the coming months. Select additional electronics (countertop appliances, vacuums, irons, etc.) will be included in the program beginning June 1, 2024; the program for Batteries and Lighting will begin on January 1, 2025.

Regional Coordinator Position

- As outlined in the Northern Region Agreement, the administrative duties for the Regional Coordinator position rotate between Cumberland Region Solid Waste, Colchester, and East Hants. Currently, the position sits with the Cumberland Region but will be moving over to the Municipality of East Hants on April 1, 2024.

External Committee Report

L.A. Animal Shelter

February 2024

In January the shelter adopted out 46 cats and kittens, 2 dogs and returned 2 cats that were in on the Mama's last litter program.

To date in February, we have adopted out 21 cats and 1 dog. We currently have 47 cats and 3 dogs in residence at the shelter.

Our AGM will be held on Tuesday, March 19th at 6:30 p.m. upstairs at Dayle's Grand Market.

We will have our Mother's Day tea on Saturday, May 11th, also upstairs at Dayle's Grand Market.

Our Yard Sale is scheduled for Saturday, June 15th, rain date June 22nd.

Two Fools Productions will return to having their play at the Community Credit Union Business Innovation Center and the Shelter will host the bar and receive the funds from the sales.

As it is almost time to renew dog tags, the Shelter will feature this (with the requirements and benefits) on our social media. We hope the Town can include this information the next time they send out water or tax bills to help us increase awareness in the community.

Fundraising for the new building is going well and we plan to start construction in March. The Valentines Day play raised about \$4,500, and we are now just over 80% funded for our new building!!!

The contractor has advised construction will take approximately 6 to 8 months so we should be in our new home by the new year!

External Committee Report

Senior Safety

February 2024

The committee met via zoom on January 30th at 1:30 pm.

During the month of December the Senior Safety Coordinator helped distribute Food Boxes from the YMCA to seniors throughout the county.

Many seniors are making contact for information regarding the Senior Care Grant and other grants available to them. The coordinator spends a lot of time working with each senior helping them fill out forms and advising what documentation is needed for each grant opportunity.

There is a plan for a Seniors Expo in 2024 and the Senior Safety Coordinator will be working with the Senior Foot Care specialist putting this together.

Part of the grant from the Town of Amherst was for shovelling snow and emergency furnace oil. This part of the grant has been activated over the past month. There have been 2 emergency oil top ups for \$500 each since December; the most recent a few weeks ago on West Victoria Street. It was found last year that the organizations that usually help with oil don't always have the money to do so and have to wait until they do. This puts seniors in precarious situations. The senior safety committee has a policy in place that we will help only if there is no other emergency help available.

The snow shovelling was activated with the last major snow storm. When we get a lot of snow school is usually cancelled. The senior safety coordinator has a few students that will help dig out walkways for seniors. This brings up another issue ... organizations like VON that go to people's homes to help them with anything medical will not attend if the walkway is not shovelled out. Therefore, a little extra was applied to the Town grant to help with snow shovelling of walkways.

The committee agreed to purchase more business cards and magnets for the Senior Safety Coordinator and some more brochures for future events like the seniors expo.

The meeting ended at 2:30 pm.

External Committee Report

Municipal Alcohol Project

February 2024

The committee met on Tuesday, February 6th at 1:30 via zoom

The first topic of discussion was the Amherst Winter Carnival event on February 18th from 11:00 to 2:00 at the Fire Hall. We have a group of community people that will made mocktails of their choice in a competition to see would be the best drink for this year. The purpose of this is to **normalize alcohol free options** for any party or situation. Bill Dowe Trucking was a sponsor of this event to help pay any expenses and \$100 from addiction services to pay for a small prize for the winner. No request to the Town for money just a place to set up and be a part of the Family Fun Day.

Policy and Advocacy Opportunity: Convenience stores want to add locally made alcohol to their shelves. NSLC feel they can get enough of any local product on their shelves. There is potential for underage people working at the convenience store selling these products. Younger students are having trouble finding jobs in places that now sell alcohol – movie theatre was an example of this situation.

Meeting adjourned at 2:30 pm. The next meeting will be April 1st to avoid trying to meet during March break.