

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, March 26, 2007 at 7:00 PM**

PRESENT: Mayor Jerry Hallee
Deputy Mayor George Baker
Councillor Ed Chitty
Councillor Dale Fawthrop
Councillor David March
Councillor Terry Rhindress
Greg Herrett, CAO
Rebecca Purdy, Executive Assistant

REGRETS: Councillor Robert Angel

1. O'CANADA

2. PUBLIC HEARINGS

Due to an administrative error, the Public Hearings held at the February 26, 2007 Council meeting were not advertised. Having checked with Service Nova Scotia and Municipal Relations, it was concluded that the motions approving Second Reading of the two Development Agreements DA 2007-01 and DA 2007-02 are invalid, and it is Council's intention to declare them null and void. Similarly, the Public Hearings on these two issues must be held again.

2.1. 28 South Albion Street, DA 2007-01

Jason MacDonald, Director of Planning and Development provided a brief summary of the proposed Development Agreement. Mayor Hallee asked the CAO if there have been any written submissions; there were none. Mayor Hallee asked if anyone present wished to speak on the proposed Development Agreement. There was no response. This concluded the Public Hearing on the Development Agreement DA 2007-01 at 28 South Albion Street.

2.2. 22 Ottawa Avenue, DA 2007-03

Jason MacDonald, Director of Planning and Development provided a brief summary of the proposed Development Agreement. Mayor Hallee asked the CAO if there have been any written submissions; there were none. Mayor Hallee asked if anyone present wished to speak on the proposed Development Agreement. There was no response. This concluded the Public Hearing on the Development Agreement DA 2007-03 at 22 Ottawa Avenue.

2.3. Ketchum Corner, DA 2007-02

Jason MacDonald, Director of Planning and Development provided a brief summary of the proposed Development Agreement. Mayor Hallee asked the CAO if there have been any written submissions; there were none. Mayor Hallee asked if anyone present wished to speak on the proposed Development Agreement. There was no response. This concluded the Public Hearing on the Development Agreement DA 2007-02 at Ketchum Corner (intersection of Dickey and Rupert Streets).

3. CALL TO ORDER

Mayor Hallee called the meeting to order at 7:10 PM.

4. SPECIAL PRESENTATION

Geoff de Gannes

Mayor Hallee read the following letter aloud, and presented it to Geoff de Gannes.

On behalf of Town Council and the citizens of Amherst, I write today to formally recognize you for your contributions to our community through your work with CKDH Radio, and to wish you all the best in your future endeavors.

Besides your career accomplishments over your many, many years with CKDH and all the technological advancements you mastered in that time, it's your dedication to the community that we want to recognize. As much as you were the voice of Cumberland County through your news casts, you were perhaps the conscience of Cumberland County through your much anticipated

commentaries. You gave so much more of yourself than was required of you in your job. You have been, and hopefully will continue to be a part of the social fabric of our community. Your understanding of the issues facing municipal government, and your professionalism in covering Council meetings will be missed.

All the best to you, Geoff, and a heartfelt "thank you" from the Town of Amherst.

5. ACTION ITEMS

5.1 Additions to the Agenda

5.2 Approval of Agenda

Moved by Deputy Mayor Baker, seconded by Councillor March to approve the Agenda as distributed.

MOTION CARRIED

5.3 Approval of Minutes – February 26, 2007 Regular Meeting

Moved by Councillor Rhindress, seconded by Councillor Fawthrop to approve the Minutes of the February 26, 2007 Regular Meeting as circulated.

MOTION CARRIED

5.4 Resolution re Motions of February 26, 2007

The following resolution was moved by Councillor Chitty and seconded by Deputy Mayor Baker:

Whereas, a public hearing was held on February 26, 2007 with respect to development agreement #DA-2007-01 between David Noiles and the Town of Amherst in regards to a property at 28 South Albion Street, Amherst, and;

Whereas a public hearing was held on February 26, 2007 with respect to development agreement #DA-2007-02 between Callaghan and Weatherbee Land Development Limited and the Town of Amherst in regards to property located at the corner of Dickey Street and Rupert Street, and;

Whereas Section 206 of the Municipal Government Act requires that notice of such public hearings appear in a newspaper, circulating in the municipality, and;

Whereas, through oversight, such notice did not appear in a newspaper, circulating in the municipality, in the case of either development agreement previously referred to, and;

Whereas, based on the assumption that such notice had in fact been given, Council held said public hearings and subsequently approved second reading of the previously mention development agreements on February 26, 2007,

Therefore be it resolved that the motions approved and recorded in the minutes of the meeting of Amherst Town Council held on February 26, 2007 approving second reading of Development Agreements DA-2007-01 and DA-2007-2 be declared null and void because they were not passed in accordance with Section 206 of the Municipal Government Act.

MOTION CARRIED

5.5 Development Agreements at Second Reading

1. Ketchum Corner

Moved by Councillor Chitty, seconded by Councillor March that Council approve Second Reading and enter into Development Agreement DA-2007-02 with Callaghan and Weatherbee Land Developments, which will allow a 30 unit townhouse and condominium development on the property located at the intersection of Dickey and Rupert Streets, as recommended by the Planning Advisory Committee.

MOTION CARRIED

Case No. DA-2007-02

This Agreement made this _____ Day of _____ 2007.

Between: Callaghan and Weatherbee Land Development Limited, Owner of property located at the Corner of Dickey Street and Rupert Street, hereinafter called the Owner, Of the one part
- and-

The Town of Amherst, a body corporate hereinafter called the Town, Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 30 unit townhouse development on property located at the corner of Dickey and Rupert Streets.

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 _____ Day of _____ 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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:

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.

That the owner may construct a 30 unit townhouse development on the said lands, subject to the following Schedules A, B and C attached. 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.

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.

The Town shall issue the necessary permit for the development upon the expiration of the appeal period specified for development agreements in the Municipal Government Act, Section 249 , as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

SIGNED, SEALED AND DELIVERED

Schedule A - Ketchum Corner - Development Agreement
Terms and Conditions:

1. The use of the property be limited to a 30 unit townhouse development, contained within 9 separate buildings;
2. The properties be consolidated into one lot;
3. The location of the buildings be generally in accordance with Schedule B, the following minimum setback dimensions for each buildings shall apply:
 - a. 5 metres between buildings;
 - b. 6 metres from Dickey Street;
 - c. 8 metres from Rupert Street;
 - d. 6 metres from the southern and eastern property lines;
 - e. 6 metres from the common driveway;
4. One accessory structure be permitted on the property, subject to the relevant regulations of the Land Use Bylaw;
5. The end of the nearest building(s) facing either Rupert or Dickey Street contain at least one window and a false roof line be incorporated into the design;
6. Access to Rupert Street be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;
7. No direct vehicular access to Dickey Street be permitted;
8. All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;

9. The driveway in front of each building be completed with a minimum 7 metre wide strip of asphalt for the entire length of the building, such work to be completed within 6 months of the occupancy permit for the said building being issued;
10. The base of the common driveway, including asphalt, be in accordance with the Town of Amherst Subdivision Bylaw & Development Standards.
11. A minimum of 8 common parking spaces shall be provided on the property;
12. A stop and street name sign be provided by the owner at the Rupert Street entrance to the property and any other traffic control signs be at the discretion and responsibility of the property owner;
13. No two adjacent buildings are to be the same color;
14. Water and sewer services be provided to the buildings in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;
15. Storm water on the site be channeled so as to not impact adjacent properties and so as not to flow directly onto adjacent public streets and sidewalks;
16. Separate water metres be installed for each dwelling unit in accordance with the Town of Amherst sewer bylaw;
17. A permanent stone sign, illustrating the name of the development, shall be located off Rupert Street, generally in the location indicated on Schedule B, prior to a building permit being issued for the third building on the property;
18. Each of the three front façade designs forming Schedule C of this agreement shall be applied to at least two of the nine buildings. Included in this agreement are the major features such as number of garages, roof lines, etc., the owner has the right to vary smaller details such as trim, size of windows, etc.;
19. Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable town bylaws and regulations;
20. Garbage pickup for all dwellings units on the property will be private, and the responsibility of the owner;
21. Landscaping be provided in accordance with the following:
 - a. A minimum of eight deciduous trees, a minimum of 2 metres in height, be planted along both Dickey and Rupert Streets at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - b. A minimum of eight deciduous or coniferous trees, a minimum of 1.5 metres in height, be planted along both the southern and eastern interior property lines at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - c. A minimum of one shrub or tree be planted in the front yard of each dwelling unit. Such planting is to take place within one growing season of the construction of the said unit.
 - d. Grass be maintained in all areas of the property not utilized for buildings, parking or walkways.

2. 28 South Albion Street DA 2007-02 Second Reading

Moved by Councillor Chitty, seconded by Councillor Rhindress that Council approve Second Reading and enter into Development Agreement DA-2007-01 with David Noiles to permit an automobile dealership and Christmas tree sales on the property located at 28 South Albion Street, as recommended by the Planning Advisory Committee.

MOTION CARRIED

Case No. DA-2007-01

This Agreement made this _____ Day of _____ 2007.

Between: David Noiles, Owner of property located at 28 South Albion Street, hereinafter called the Owner, Of the one part
- and-

The Town of Amherst, a body corporate 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 an automobile dealership on property located at 28 South Albion Street.

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 _____ Day of _____ 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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:

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.

That the owner may construct and operate an automobile dealership on the said lands, subject to the following Schedules A, and B attached.

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.

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.

The Town shall issue the necessary permit for the development upon the expiration of the appeal period specified for development agreements in the Municipal Government Act, Section 249 , as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

SIGNED, SEALED AND DELIVERED

Schedule A 28 South Albion Street - Development Agreement
Terms and Conditions:

The use of the property be limited to a single detached dwelling, an automobile dealership and a Christmas tree sales lot;

The automobile dealership be developed substantially in accordance with the attached schedule B;

Access to South Albion Street be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;

All driveway, parking and vehicle display areas be maintained with asphalt, such asphalt to be installed no later than July 30, 2008;

A minimum of 3 public parking spaces be provided on the property, in accordance with the attached Schedule B;

One parking space be provided for the single detached dwelling, in accordance with the attached Schedule B;

The garage on the property may be used as a sales office and a vehicle maintenance facility in support of the primary use of vehicle sales on the property. The building must satisfy all applicable regulations of the Nova Scotia Building Code Regulations and the National Building Code of Canada;

Storm water on the site be channeled so as to not impact adjacent properties and so as not to flow directly onto adjacent public streets and sidewalks;

Advertising signage on the property be limited to that necessary for the automobile sales establishment and Christmas tree lot on the property and conform to the requirements of the Town of Amherst Land Use Bylaw;

Grass be maintained in all areas of the property not utilized for buildings, parking or walkways;

No outdoor storage be permitted on the property, other than the display of vehicles for sale;

Solid waste storage bins be provided on the site in accordance with the Town of Amherst Solid Waste Bylaw and furthermore, such bins must not be directly visible from South Albion Street;

A concrete curb be installed along the front of the parking / vehicle display area as indicated in the attached Schedule B;

Any outdoor lighting on the site be situated so as to not shine directly onto adjacent residential property;

3. 22 Ottawa Avenue DA 2007-03 Second Reading

Moved by Councillor Chitty, seconded by Deputy Mayor Baker that Council approve Second Reading and enter into Development Agreement DA-2007-03 with Eric Arsenau and Allen Spence, which will allow a 24 unit townhouse development on the property located at 22 Ottawa Avenue, as recommended by the Planning Advisory Committee.

MOTION CARRIED

Councillor Fawthrop took this opportunity to thank the two developers for their faith in Amherst.

Case No. DA-2007-03

This Agreement made this _____ Day of _____ 2007.

Between: Eric Arsenau and Allen Spence Owners of property located at 22 Ottawa Avenue (PID's 25025016, 25141789, 25470790), hereinafter called the Owners, of the one part

- and-

The Town of Amherst, a body corporate hereinafter called the Town, of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 24 unit townhouse development on property located at 22 Ottawa Avenue.

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 _____ Day of _____ 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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:

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.

That the owner may construct a 24 unit townhouse development on the said lands, subject to the following Schedules A and B, attached.

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.

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.

The Town shall issue the necessary permit for the development upon the expiration of the appeal period specified for development agreements in the Municipal Government Act, Section 249, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

SIGNED, SEALED AND DELIVERED

Schedule A - 22 Ottawa Avenue - Development Agreement
Terms and Conditions:

The use of the property be limited to a 24 unit townhouse development, contained within 6 separate buildings;

The properties shall be consolidated into one lot prior to the issuance of the building permit for the third building;

The location of the buildings be generally in accordance with Schedule B, the following minimum setback dimensions for each buildings shall apply:

- a. 4.7 metres between buildings;
- b. 4.7 metres from any property;

One accessory structure be permitted on the property, subject to the relevant regulations of the Land Use Bylaw, plus one 7.5 metre by 3 metre accessory storage shed adjacent to each building for the use of tenants of that building;

Access to Ottawa Avenue be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;

All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;

The driveway in front of each building be completed with a minimum 7 metre wide strip of asphalt for the entire length of the building, such work to be completed within 6 months of the occupancy permit for the said building being issued;

The base of the common driveway, including asphalt, be in accordance with the Town of Amherst Subdivision Bylaw & Development Standards.

A stop and private driveway name sign be provided by the owner at the Ottawa Avenue entrance to the property and any other traffic control signs be at the discretion and responsibility of the property owner;

No two adjacent buildings are to be the same color;

Water and sewer services be provided to the buildings in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;

Storm water on the site be channeled so as to not impact adjacent properties and so as not to flow directly onto adjacent public streets and sidewalks;

Separate water metres be installed for each building in accordance with the applicable Town of Amherst bylaw;

A permanent sign, illustrating the name of the development, shall be located off Ottawa Avenue, prior to a building permit being issued for the third building on the property;

Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable town bylaws and regulations;

Garbage pickup for all dwellings units on the property will be private, and the responsibility of the owner;

Landscaping will be provided in accordance with the following:

- a. A minimum of 6 trees be planted along the perimeter of the property to the rear of each building. Such trees to be a minimum 1.5 metres in height at the time of planting. Such trees to be planted behind each building within one growing season of that building being completed.
- b. A minimum of 2 deciduous trees be planted at approximately equal intervals along the private driveway for each building constructed. Such trees to be a minimum of 1.5 in height at the time of planting.
- c. A minimum of four shrubs or trees be planted in the front yard of each building. Such planting is to take place within one growing season of the construction of the said unit.
- d. Grass or other suitable landscaping material be maintained in all areas of the property not utilized for buildings, parking or walkways.

Existing trees on the property which are maintained after the development may be used to offset the number of trees required above.

5.6 Planning Documents at First Reading1. Accessory Structures, P-2-8

Moved by Deputy Mayor Baker, seconded by Councillor March that Council approve First Reading of By-Law P-2-8, a by-law to amend the Land Use By-Law to permit two-story accessory structures where the main structure is at least the height of the accessory structure, and the accessory structure is not located in the rear or side yard setbacks for the main buildings, as recommended by the Planning Advisory Committee.

MOTION CARRIED

Town of Amherst
Bylaw to amend the Land Use By-Law P-2
P-2- 8

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of permitting two-story accessory structures where the main structure is at least the height of the accessory structure and the accessory structure is not located in the rear or side yard setbacks for the main buildings.
2. The Land Use By-Law is hereby amended by:
Adding to Section 4.1 (iv)
except,

where the main structure is a minimum of two stories, exclusive of the basement and where the proposed location of the accessory structure is not in the required rear or side yard setbacks of the main structure, the height of the accessory structure may be increased to accommodate a second storey, plus roof. In no case may the highest point of the roof of the accessory structure exceed the elevation of the highest point of the roof of the main structure on the lot.

2. Senior Citizens Housing, P-2-7 and P-1-1

Moved by Councillor March, seconded by Councillor Chitty that Council approve First Reading of By-law P-1-1, a by-law to amend the Municipal Planning Strategy By-Law, and By-law P-2-7, a by-law to amend the Land Use By-Law, which will permit Senior Citizen Housing and Homes for Special Care in the General Residential Zone by Development Agreement, as recommended by the Planning Advisory Committee.

MOTION CARRIED

Town of Amherst
Bylaw to amend the Municipal Planning Strategy Bylaw P-1
P-1- 1

1. This is a by-law to amend the Municipal Planning Strategy of the Town of Amherst with respect to the matter of permitting Senior Citizen Housing and Homes for Special Care in the General Residential Zone by Development Agreement.
2. Municipal Planning Strategy is hereby amended by:

Adding Policy RP-18

RP-18 Within the Residential Designation, it shall be the intention of Council to ensure Senior Citizen Housing and Homes for Special Care occur in a manner compatible with a low density residential neighborhood. Specifically, Council shall require that all Senior Citizen Housing and Homes for Special Care be subject to a Development Agreement. In negotiating such an agreement Council shall:
 - (a) ensure that the structure(s) is located on the lot in such a manner as to limit potential impacts on surrounding low density residential developments;
 - (b) ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;
 - (c) ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;
 - (d) ensure that any on site outdoor lighting does not negatively impact the surrounding properties;
 - (e) ensure that any signage on the property is sympathetic to the surrounding residential properties;
 - (f) require the use of vegetation to improve the aesthetic quality of the development;
 - (g) ensure that the architecture of the building is sympathetic to any existing development in the surrounding area.

Town of Amherst
Bylaw to amend the Land Use By-Law P-2
P-2- 7

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of permitting Senior Citizen Housing and Homes for Special Care in the General Residential Zone by Development Agreement.
2. Land Use By-Law is hereby amended by:
Adding to Section 7.2.2 Permitted Uses by Development Agreement
(e) Senior Citizen Housing and Homes for Special Care.
3. Ground Floor Residential P-2-9 and P-1-2

Moved by Councillor Chitty, seconded by Councillor March that Council approve first Reading of By-Law P-1-2, a by-law to amend the Municipal Planning Strategy By-Law, and By-Law P-2-9, a by-law to amend the Land Use By-Law, which will permit ground floor residential uses in the Downtown Commercial Zone by Development Agreement, excluding all properties within the Business Improvement District, as recommended by the Planning Advisory Committee.

Moved by Councillor Fawthrop seconded by Councillor Rhindress that the main motion be amended to add the words “and any property fronting on Albion Street, South Albion Street or Church Street” after the word “District”.

**MOTION CARRIED
ORIGINAL MOTION CARRIED AS AMENDED**

Town of Amherst
Bylaw to amend the Municipal Planning Strategy Bylaw P-1
P-1- 2

1. This is a by-law to amend the Municipal Planning Strategy and Land Use Bylaw to permit ground floor residential uses in the Downtown Commercial Zone by Development Agreement, excluding the property located within the Business Improvement District and any property fronting on Albion Street, South Albion Street, or Church Street.
2. Municipal Planning Strategy is hereby amended by: Adding Policy CP-15:

CP-15 It shall be the intention of Council to consider applications for residential development on the ground floor of a building in the Downtown Commercial zone by Development Agreement; excluding, property located within the Business Improvement District, and any property fronting on Albion Street, South Albion Street, or Church Street.

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.

Town of Amherst
Bylaw to amend the Land Use By-Law P-2
P-2- 9

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of permitting ground floor residential uses in all Commercial Zones outside the Business Improvement District by Development Agreement.
2. The Land Use By-Law is hereby amended by:

Adding to Section 8.3.2

(d) Ground Floor Residential Uses subject to MPS Policy CP-15

Removing Section 8.1.1

(ii) not be located on the ground floor of any building.

5.7 By-Law to Amend the Solid Waste By-Law

Moved by Deputy Mayor Baker, seconded by Councillor Chitty that Council give First Reading to By-Law D-20-B which will amend the Town of Amherst Solid Waste By-Law to incorporate administrative amendments and add clarity to the by-law.

MOTION CARRIED

A By-Law to amend the Solid Waste By-Law (Consolidated Version)
D-20-B

1. This by-law is entitled "A By-Law to Amend the Solid Waste Bylaw".
2. Amend Section 2(3) to change reference to Section 18 to Section 13 to read as follows:

(3) "**Collector**" means any person or corporation collecting Solid Waste in the Town for gain or profit licensed in accordance with Section 13 of this By-law;
3. Amend Section 2(4) the definition of compost by adding "wet ashes" to read as follows:

(4) "**Compostables**" means food scraps and spoiled or waste food or foodstuff including vegetable peelings, meat, fish, eggs, bones, waste food products, soiled and wet paper and soiled paper products such as table napkins, paper towels, pizza boxes, wet ashes, leaves and yard waste, together with such other organic materials as may, from time to time, be identified in Public Education Documents suitable for municipal collection in Compost Bins;
4. Amend "Town of Amherst" through out the By-law to read "the Town"
5. Amend Section 2(10) deleting the words "and Town means the Town of Amherst" to read as follows:

(10) "**Council**" means the Town Council for the Town of Amherst;
6. Amend Section 2(14) to omit the words "of Nova Scotia" to read as follows:

(14) "**Householder**" means Owner, occupant, lessee, tenant or other person in charge of a dwelling, mobile home, hotel, restaurant, apartment unit, office building, public institution or other building or property, and includes the person assessed for the building pursuant to the Assessment Act, R.S.N.S. 1989, c.23;
7. Amend Section 2 (15) to delete the words "commercial operation" and "in 24 below" and insert the words "premise" and "by this By-law" to read as follows:

(15) "**ICI Sector**" means motel, restaurant, office building, public institution, manufacturing plant, retail sales outlet or any other premise not a Residential Premises as defined by this By-law;
8. Add new definition of "Owner" to read as follows:

2 (18) "**Owner**" means:

 - (i) a part Owner, joint Owner, tenant in common or joint tenant of the whole or any part of land or a building;
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building; or
 - (iii) in the absence of proof to the contrary, the person assessed for the property;
9. Amend definition of (20) "Premises" to read as follows:

(20) "**Premises**" means any building or property in the Town;
10. Amend the word recyclables through out the By-law to read "Recyclable Material".
11. Amend the word residuals through out the By-law to read "Residual Garbage".
12. Insert new definition 2 (30) "Stream" to read as follows:

(31) "Stream" means waste of the same kind, being:

- (i) Compostables;
 - (ii) Recyclable Material;
 - (iii) Residual Garbage;
 - (iv) Construction and Demolition Debris;
 - (v) Contaminated Soil;
 - (vi) Solid Waste of any type which is not accepted at a municipal Solid Waste management facility; or
 - (vii) Solid Waste of any type which is only accepted on the occasion of special collections, or by contract or by express approval in advance of the operator of a municipal Solid Waste management facility;
13. Delete definition 2 (32) Tonne
 14. Add new definition of "Town" to read as follows:
2 (32) "**Town**" means the Town of Amherst;
 15. Renumber Section 4 to become Section 3(2) under the heading Solid Waste Disposal.
 16. Renumber Section 5 to become Section 3(3) under the heading Solid Waste Disposal.
 17. Section 8(7) - Add Pathological Waste as 8(7)iii, and add "or dry" to 8(7)vi to read "hot or dry ashes"
 18. Omit the words "occupant or owner of property" through out the By-law and insert the word "Householder"
 19. Add new part (IV) to Section 8(8) Scavenging, to read as follows:

8(8) (iv) This section does not apply to the person who placed the waste material for collection or to the Town, its contractors or authorized Town collection contractors.
 20. Amend Section 8(9) to read as follows:

No person shall place Solid Waste for collection on a property other than solid waste generated on that property.
 21. Delete Section 8(12).
 22. Amend Section 12(3) by adding reference to Municipal Government Act.
 23. Renumber Section 14 Cost of Solid Waste Service to become Section 12
 24. Delete Section 18 under Enforcement and Penalty
 25. Renumber the Enforcement and Penalty Section to become Sections 13, 14 and 15.
 26. Amend Section 17 omitting the words "Each day that a person commits an offence under this By-law constitutes a separate offence", and inserting these words as a new Section 18.
 27. Delete Section 19 and add new Section 16 to read as follows:

5.8 Tenders

1. Stadium Dasherboards & Glazing

Moved by Deputy Mayor Baker, seconded by Councillor Rhindress that Council accept the lowest compliant tender from Sports Systems Unlimited at their tendered price of \$149,700 plus HST for the dasherboards and glazing at the Amherst Stadium.

MOTION CARRIED

2. Building Permit Software and Amending the Capital Budget 2006/2007

Moved by Councillor Rhindress, seconded by Councillor Fawthrop that Council authorize the purchase of a Building / Development Permit Software program from Procom Data in the amount of \$22,995 plus HST, and further, that Council authorize amending the 2006/2007 Capital Budget by reducing the Fire Department Turnout Gear Drying Cabinet budget by \$4,000 and increasing the Planning and Development Department Building Permit Software budget by \$4,000.

MOTION CARRIED

3. Office Workstation / Furnishings, Police Department

Moved by Councillor Chitty, seconded by Councillor March that Council authorize the purchase of new office workstation / furnishings for the Amherst Police Station from the low bidder, Ergoworks Atlantic, at a cost of \$12,366.01 plus HST, with funding to come from the approved 2006/2007 Capital Budget.

MOTION CARRIED

5.9 Interim Tax Billing Resolution

Moved by Councillor Fawthrop seconded by Councillor Rhindress that Council proceed with an Interim Tax Billing for the 2007/2008 fiscal period, that the bills be sent during the month of April 2007 with interest at 12% per annum to commence June 1, 2007, and further, that this Interim Tax Billing be based on one half of last year's commercial and residential rates times the current year's assessments.

MOTION CARRIED

5.10 CAPSO Tourism Committee

Moved by Councillor March, seconded by Deputy Mayor Baker that Council accepts the Terms of Reference presented with the understanding that the CAPSO Tourism Committee reports to the Cumberland Regional Economic Development Association, and further, that Kim Jones be appointed as the Town of Amherst representative on the newly formed CAPSO Tourism Committee.

MOTION CARRIED

TERMS OF REFERENCE

**Cumberland County Tourism Destination Committee
A sub-committee managed by CREDA for CAPSO**

Mandate: To facilitate and provide leadership, direction and vision to the development and marketing of the tourism product throughout Cumberland County. Issues to include, but not necessarily limited to:

- Asset mapping (based on the Tourism Destination Areas Workbook developed by NS Tourism, Culture and Heritage).
- Product identification – Identify issues and opportunities for product development and packaging in Cumberland County.
- Market identification – Identify marketing strategies that reflect a coordinated approach in working with regional, provincial and national industry groups.
- Recommend action items to CAPSO.

Meets: Bi-monthly (more frequently if needs and issues dictate)

Reports to: CAPSO/CREDA/Individual Municipal Units? (to be determined)

Representation:

- One representative from each of the five municipal units – to be appointed by Municipal Council. (***It is the recommendation of CREDA that these appointees be people who are familiar with the Cumberland product, actively participate in regional and provincial initiatives and have a strong interest in the tourism industry.*)
- CREDA Resource Staff – Ron Robinson, Development Field Officer – Community
- Janet Smith, Junior Development Officer – Business
- CNTA (Central Nova Tourist Association)

Chair: To be determined (position could alternate among the municipal units)

5.11 Proclamations1. Red Cross Month

Moved by Councillor March, seconded by Councillor Chitty that the Mayor sign a proclamation on behalf of the Amherst Town Council, proclaiming March as Red Cross Month.

MOTION CARRIED

***March is Red Cross Month 2007
Anywhere. Anytime. Red Cross
Proclamation***

Whereas, the Canadian Red Cross Society has been engaged in preventing and alleviating human suffering across Canada and around the world, and

Whereas, the Canadian Red Cross Society has helped thousands of Canadians through its Disaster Relief and Community Services, including our own citizens of Amherst and Area, and

Whereas, the Canadian Red Cross Society is a reflection of the Canadian spirit of generosity, caring and selflessness,

Therefore, I Jerry Hallee, hereby proclaim March 2007 as Red Cross Month here in Amherst. I also urge all residents of Amherst and area to support The Canadian Red Cross Society and our community by regularly volunteering their time or by financially supporting Red Cross programs.

2. Amherst Lions Club Day

Moved by Councillor March, seconded by Councillor Rhindress that the Mayor sign a proclamation on behalf of the Amherst Town Council, proclaiming April 21, 2007 as Amherst Club Awareness Day.

MOTION CARRIED

***Amherst Lions Club Awareness Day
Saturday, April 21, 2007***

WHEREAS the Town of Amherst derives much of its strength, beauty and unique character from the outstanding contributions made by volunteers in every facet of our everyday lives; and

WHEREAS the Amherst Lions Club is made up of volunteers of all ages, economic and cultural backgrounds and walks of life who give generously of their talent, spirit, energy, and the most important gift of all – their time – to assist individuals, families and our community; and

WHEREAS the Amherst Lions Club members fulfill an endless range of duties and contribute their time to help the blind and the disabled, and provide a multitude of other services and activities that make a real difference in our community and in many lives; and

WHEREAS the Amherst Lions Club enables and encourages residents to serve our community and assists organizations and agencies to work effectively with volunteers; and

WHEREAS the Amherst Lions Club is marking its 53rd anniversary this year with the theme "We Serve";

THEREFORE, I, Jerry Hallee, Mayor of Amherst, do hereby proclaim Saturday, April 21, 2007 as **Amherst Lions Club Awareness Day** in recognition of the outstanding contributions made to our town and the tremendous efforts and commitment of its

5.12 Policy Manual

1. New Policy: Flowers, Fruit Baskets and Memorial Donations

Moved by Councillor March, seconded by Councillor Fawthrop that Council approve a revised Policy #210-17, Flowers, Fruit Baskets and Memorial Donations (formerly called Gifts, Cards and Flowers Policy) as recommended by Administration.

MOTION CARRIED

**TOWN OF AMHERST POLICY #210-17
Flowers, Fruit Baskets & Memorial Donations**

PURPOSE:

To establish a policy for the appropriate recognition by the Council of the Town of Amherst of current Council members, employees, members of Boards and Commissions and past members of Council in cases of death or hospitalization.

POLICY STATEMENT:

Upon learning of the death of an active member of Council, current employee or Board or Commission member, or member of their immediate family, or the death of a past member of Council, the Town may send flowers in the amount not to exceed \$80.00 plus applicable taxes and delivery charges. If the family has requested "no flowers", arrangements will be made for an equivalent donation to a charitable organization. Also an appropriate card shall be the accepted means of expression of sympathy to the family.

In the event of the hospitalization of a current member of Council, current employee or Board or Commission member, the Town may send flowers or a fruit basket along with an appropriate card in the amount not to exceed \$40.00 plus applicable taxes and delivery charges.

Individual Department Heads may, at their discretion, send flowers and/or fruit baskets or similar items in addition to the items sent by Council in accordance with the amounts set out above.

DEFINITIONS:

Employee – A person currently employed by the Town of Amherst, including unionized and non-unionized personnel, and retired employees.

Immediate Family - Shall mean a parent, spouse, partner, son, daughter

Board/Commission Member – Shall mean any person appointed by Council currently serving on any Board or Commission of the Town.

2. Rescind Policy: Conferences & Seminars

Moved by Councillor Rhindress, seconded by Councillor March that the Town of Amherst Policy 210-04 Conferences and Seminars dated March 19, 1990 be rescinded.

MOTION CARRIED

3. Structure of Policy Manual

Moved by Councillor Fawthrop, seconded by Councillor Rhindress that Council approve a restructuring / renumbering of the Policy Manual which will conform to the Town's records management structure and the Provincial Records Management Manual.

MOTION CARRIED

**Town of Amherst
Policy Manual
Proposed Structure**

01000 – Administration

Administration covers activities that do not fit into any other administrative main group – i.e. Facilities Management, Financial Management, Human Resource Management, Information Management and Supplies and Equipment Management.

<u>1000</u>	<u>Administration – General</u>
1000-01	Media Policy (210-19)
<u>1130</u>	<u>Corporate Identity Program</u>
1130-01	Town Crest (210-02)
<u>1700</u>	<u>Risk Management</u>
1700-01	Reporting Accidents (211-03)

02000 - Facilities Management

Policies relating to the administration of buildings, facilities and properties in the organization. Includes policies about the purchase, rental, repair, construction, disposal or maintenance of buildings, facilities or properties.

<u>2000</u>	<u>Facilities Management - General</u>
2000-01	Use of Facilities – Confederation Memorial Building (210-03)
2000-02	Smoking in Town Owned Facilities (211-05)
<u>2300</u>	<u>Land and Structures Acquisition and Disposal</u>
2300-01	Sale of Usable Town Owned Land (211-07)
2300-02	Sale of Non-Usable Town Owned Land (211-08)
2300-03	Sale/Disposal of Surplus Equipment (211-19)

03000 - Financial Management

Policies relating to the planning, control, spending and reporting of budgets, and the management of department accounts in the organization. Includes information about budgeting, expenditures, payments, accounting, account transactions, banking transactions and tax and utility bill collection.

<u>3000</u>	<u>Financial Management - General</u>
3000-01	Travel Policy (210-27)
3000-02	Payment of Town Accounts (211-02)
<u>3150</u>	<u>Accounts Management – Accounts Receivable</u>
3150-01	Water Billing Collection (211-17)
<u>3400</u>	<u>Banking</u>
3400-01	Signing Authority (210-12)
3400-02	Banking (211-20)
<u>3450</u>	<u>Budgets</u>
3450-01	Capital Budgeting (211-14)
3450-02	Capital Investment Plan (CIP) Framework/Budget Policy (211-36)
3450-03	Debt Management Policy (211-37)
<u>3470</u>	<u>Fees and Charges - General</u>
3470-01	Building Permit Fees (150-02)
3470-02	Charges on Returned Cheques (211-15)
<u>3600</u>	<u>Investments</u>
3600-01	Investment Policy (150-01)
<u>3700</u>	<u>Procurement - General</u>
3700-01	General Purchasing Policy (211-09)
3700-02	Purchase of Goods and Services (211-10)
3700-03	Policy on Calling Tenders (211-11)
3700-04	Awarding Contracts (211-12)
3700-05	Local Preference on Tendering (211-13)
<u>3800</u>	<u>Taxation</u>
3800-01	Tax Collection Policy (110-01)
3800-02	Tax Reduction Policy (110-02)
3800-03	Installment Billing Policy (110-03)
3800-04	Collection of Accounts (212-01)

04000 - Human Resource Management

Policies relating to the administration of employees and employee services. Includes policies about the establishment of positions, hiring process, employee master files, payroll, leave and absenteeism, occupational health and safety, training and development, affirmative action, employee assistance and labour relations.

<u>4000</u>	<u>Human Resources Management - General</u>
4000-01	Recognition of Employees (210-15)
4000-02	Suggestion Awards (210-16)
4000-03	Staff Training (211-06)
4000-04	Inquiries Regarding Employees (211-16)
4000-05	Overtime – Non-Union Employees (211-21)
4000-06	Remuneration for Acting Positions (211-22)
4000-07	Hiring Policy (211-23)
4000-08	Attendance Administration (211-24)
4000-09	Employee/Family Assistance (211-30)
4000-10	Vacation/Holiday – Non-Union Employees (211-31)
<u>4500</u>	<u>Occupational Health & Safety</u>
4500-01	Safety Policy (211-25)
<u>4530</u>	<u>Payroll - General</u>
4530-01	Salary Administration (211-27)
4530-02	Employee Computer Purchase Policy (211-29)

05000 - Information Management

Policies relating to the planning, creation, access, control, distribution, retention, protection and disposition of organization information resources in all formats and media. Includes policies about the design, architecture, implementation and maintenance of information systems, systems management, and other information services.

5000-01	Records Management (211-26)
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06000 - Supplies & Equipment Management

Policies relating to the receiving, storing, issuing, using, maintaining, repairing and disposing of equipment and supplies. Includes asset control, inventories, maintenance, repair, surplus and disposal.

10000 - Executive Operations

Executive policies are the policies of the Mayor, the Council and the CAO. These policies relate to the management of executive functions and activities of the organization.

<u>10350</u>	<u>Council</u>
10350-01	Recognition of Service on Boards (210-01)
10350-02	Conferences and Seminars (210-04)
10350-03	Organizational Structure (210-05)
10350-04	Reports to Council (210-06)
10350-05	Inquiries From Council (210-07)
10350-06	Delegations Appearing Before Council (210-09)
10350-07	Adding Items to Council Agenda (210-10)
10350-08	Appointments of Citizens to Boards (210-11)
10350-09	Preparation of Agenda (210-13)
10350-10	Recognition of Retiring Members of Council (210-14)
10350-11	Gifts, Cards, Flowers (210-17)
10350-12	Confidentiality Issues (210-18)
10350-13	Council Meeting Policy (210-20)
10350-14	Requests for Flag Raisings & Proclamations (210-24)
10350-15	Written Submissions to Council (210-25)
10350-16	Office of the Deputy Mayor (210-26)
10350-17	Membership on National Boards and Committees (211-32)
10350-18	Membership in Clubs, Societies and Associations (211-33)

12000 - Intergovernmental Relations

Policies relating to relations and agreements with the Government of Canada, Province of Nova Scotia and other local governments.

16000 - Management Functions

Policies relating to management functions which are common to all organization departments. Includes annual reporting, strategic planning, policy and program development, auditing, management evaluation and review, legislation development and litigation.

31000 - Engineering and Public Works Services

Policies relating to engineering and public works services. Include policies about the construction and maintenance of infrastructure, design and survey services, water service, solid waste management, and environmental management.

<u>31000</u>	<u>Engineering and Public Works Services – General</u>
31000-01	Standard Specifications for Municipal Services (230-01)
<u>31400</u>	<u>Environmental Management</u>
31400-01	Vehicular Idling Control Policy (211-35)
31400-02	Salt Management (230-15)
<u>31600</u>	<u>Infrastructure Management - General</u>
31600-01	Culvert Policy (230-02)
31600-02	Street Light Policy (230-04)
31600-03	Snow Plowing (230-05)
31600-04	Snow Plowing – Major Storms (230-06)
31600-05	Snow Removal (230-07)
31600-06	Bare Pavement (230-08)
31600-07	Managing Snow and Ice (230-09)
31600-08	Street Breaking Policy (230-10)
31600-09	Paving New Residential Subdivision Streets (230-11)
31600-10	Street Inspection and Maintenance (230-13)
31600-11	Sidewalk Inspection and Maintenance (230-14)
31600-12	Sewer Installation (240-02)
31600-13	Catch Basins and Laterals (240-03)
31600-14	Commercial Sewer Service (240-04)
31600-15	Sanitary Sewer Service to County Residents (240-05)
31600-16	Building Service Connections (240-06)
31600-17	Surplus Fill
<u>31700</u>	<u>Infrastructure Management – Water Systems</u>
31700-01	Water Meters (241-02)
31700-02	Heat Pumps Policy (241-03)
31700-03	Commercial Water Service (241-05)
31700-04	North Tyndal Land Acquisition (241-06)

31800 Solid Waste Management**64000 - Parks Management**

Policies relating to the management of parks and open spaces – includes policies about parks, fields, playgrounds and other open spaces.

64000-01 Tree Planting on Town Owned Lands (270-02)

(Alternatively, this could be filed under 31600 Infrastructure Management – Trees)

66000 - Planning and Development

Policies relating to land planning strategies, land development and land use.

66000 Planning and Development - General

66000-01 Planning Advisory Committee (210-23)

66000-02 Processing Planning Applications for Land Use By-Law Amendments and Development Agreements under the Municipal Planning Strategy (260-02)

66000-03 Public Participation Policy (260-03)

66000-04 Public Notification Policy (260-04)

66150 Dangerous or Unsightly Premises

66150-01 Dangerous or Unsightly Premises Committee (210-21)

66150-02 Enforcement Policy and Summary Offence Tickets (211-28)

68000 - Public Protection and Safety Services

Policies relating to protective services – includes emergency programs, fire protection, police protection and animal control.

68000 Public Protection and Safety Services – General

68000-01 Regulations Respecting Foodshops (250-01)

68000-02 Mobile Eating Establishments (250-02)

68300 Fire Protection – General

68300-01 Permanent Firefighters (221-01)

68300-02 New Fire Station, Albion Street (221-02)

68500 Police Services – General

68500-01 Female Police Constable And Expense (220-01)

72000 - Recreation and Cultural Services

Policies relating to recreation and cultural services; includes information about art galleries, museums, libraries, recreation programs, sporting events and other special events.

72000 Recreation and Cultural Services - General

72000-01 Recognition of Athletic Achievers (210-22)

72000-02 Fund Raising Events (211-04)

72000-03 Grants to Organizations (211-34)

72000-04 Arts & Culture Policy (211-38)

72000-05 Program Registration Fees (271-01)

72000-06 Photocopying (271-04)

72200 Cultural Services

72200-01 R. H. Smith Bequest – Library (274-01)

72300 Recreation and Cultural Facilities

72300-01 Ballfield User Policy (270-01)

72300-02 Field bookings (271-03)

72300-03 Outstanding Program Accounts (271-05)

72300-04 Disciplinary Action – Recreation Facilities (271-06)

72300-05 Sale of Beer/Liquor – Robb Park (272-01)

72300-06 Allowable Ice Rental Accounts (273-01)

72300-07 Beer Garden Policy - Stadium (273-05)

72300-08 Sign Rental – Stadium (273-07)

72300-09 Equipment Rental – Stadium (273-09)

72600 Sport Services72700 Tourism**81000 – Transportation Services**

Policies relating to the delivery of transportation and transit services in the organization. Includes policies about buses, railways, airports and water transportation.

5.13 Requests for Financial Assistance1. Jade Noiles

Moved by Councillor March, seconded by Councillor Chitty that the Town of Amherst provide financial assistance in the amount of \$100 to Jade Noiles to attend the 2007 Youth Canadian National Dart Championship in Lachine, Quebec.

MOTION CARRIED

2. 4H Horse Classic Team

Moved by Councillor March, seconded by Deputy Mayor Baker that the Town of Amherst provide financial assistance in the amount of \$250 to the Cumberland County 4H Horse Classic Team to attend the 2007 National Horse Classic Competition in Calgary, Alberta.

MOTION CARRIED

5.14 April Council Meeting

Moved by Deputy Mayor Baker, seconded by Councillor Rhindress that the next regular meeting of Council be changed from April 23 to April 30.

MOTION CARRIED

6. ADDITIONAL ITEMS**7. DEPARTMENTAL REPORTS****7.1 Operational Services Department Monthly Report**

Moved by Deputy Mayor Baker, seconded by Councillor March that Council accept the following monthly report from the Operational Services Department.

MOTION CARRIED

Tenders closed on March 13 for the Eddy Street lift station which is the final component of our North Town Collector sewer project. The low price was 40% over our budget. We are currently working with the low bidder in an effort to reduce the cost of this project.

During the month of February weather was generally very cold with temperatures below minus 20 on most days. Works crews only needed to plow snow three times and clean up the downtown area once during the month. For this cleanup a large tractor mounted snow blower was hired. Usually a clean up takes two nights however using the snow blower we were able to do the clean up in just one night.

Our records indicate that the last three Februarys have had much lower than normal highway salt usage where in we have had average monthly salt usage of 75 tonnes as compared to 270 tonnes in February 2003 and 2004.

We have a total of 15 unionized men working the winter months, including our two mechanics. This total includes the water maintenance crew, the sewer maintenance crew and the utility crew which maintains our street signage and traffic control devices as well as monitoring snow/ice conditions around Town buildings and public parking lots.

When we have a major snow event all of these men become involved as equipment operators and perform shift work around the clock until streets and sidewalks are clear of snow.

During February we had four water main breaks, all of which were the direct result of frost movement that was created by the extended period of very cold weather. In an average year we have 12 water main breaks in Amherst.

Our five year contract for solid waste collection expires in September. Engineering staff will be preparing tender documents for a June tender call for this work. Staff are also busy doing project design work and tender documents for this years capital projects.

7.2 Community & Economic Development Department Monthly Report

Moved by Councillor March, seconded by Deputy Mayor Baker that Council accept the following monthly report from the Community and Economic Development Department:

MOTION CARRIED

Facilities Operations

The Amherst Stadium was busy over the month of March with MJHL playoffs, Skatefest and the Ronnie Elliot Memorial Hockey Tournament. Since January, staff at the stadium has completed first aid training, defibrillator training and refuelling training for natural gas.

We had a successful winter at the stadium this year with the changes in the dressing rooms and washroom. Users appeared to be pleased with the quality of the facility, its cleanliness and level of customer service. Staff worked hard to ensure that all who used the facility had a good experience. We must also note that all those renting the stadium were excellent to deal with and respected the work that was put into the stadium over the past year. We are winding down at the Stadium and intend to remove the ice on April 2nd. We are planning for the upcoming parks program and maintenance program which is only weeks away.

Amherst Ramblers

We would like to congratulate the Amherst Rambler executive, management and team on their success this year. Our Stadium Staff and Team officials worked together extremely well this winter notwithstanding of some issue related to heat and completion of the first phase of the renovation plan. All dealings were professional and cordial and we are looking forward to the beginning of the 2007/2008 season in which the Ramblers will no doubt improve with new boards, glass and ice in place.

Spring and Summer Bulletin

Work continues in the preparation of the 2007 Spring and Summer Bulletin. Community groups, organizations and clubs wishing to promote their activity or event through the Town's Community Information Bulletin are asked to contact Community and Economic Development at 667-6500 or 667-6506.

Volunteer Appreciation Awards

The Town of Amherst, in observance of Provincial Volunteer Week, will host a Volunteer Ceremony and Reception on Tuesday, **April 17, 2007 at 7pm at Town Hall**. The Province of Nova Scotia will be hosting a Volunteer Awards Luncheon in Halifax on April 10th at which time the name of the Amherst Community Representative will be named and formally recognized at the Provincial Level. Further information related to the nomination process can be obtained by contacting Dwight Jones at 667-6506.

Dutch Elm Disease

During the month of March, there were 23 trees that were identified as carrying Dutch Elm disease removed and disposed of as per the guidelines provided under NS Natural Resources regulation. This activity addresses the trees in the community that were viewed as high priority but unfortunately, there remains additional trees that have been identified as being infected that will need to be removed over the next year. There is no cure for Dutch Elm Disease however, the removal of infected trees will slow the rate of spread and address safety issues related to trees that are dying due to infection.

7.3 Planning & Development Department Monthly Report

Moved by Councillor Chitty, seconded by Councillor March that Council accept the following monthly report from the Planning and Development Department:

MOTION CARRIED

Building Activity

As of February 28, 2007 the total value of building permits issued in the Town was **\$15,214,812**, compared to **\$6,952,930** at this point last year. During the last month there was one new single detached dwelling constructed within Town. There were no other significant permits issued during the month of February.

Dangerous and Unsightly Premises

So far this year we have had 36 complaints, 29 of which have been resolved. Four orders have been issued and two remain active. The administrator will continue to work with the property owners to ensure compliance for the remaining open files.

Other Items

The recent release of the 2006 Census Data revealed that the population of Amherst has grown by 0.4%. While this rate of growth is significantly less than the national average it is a positive achievement for a town in rural Nova Scotia. Amherst is one of only a few towns in Nova Scotia outside of the greater Halifax commuter shed which was able to achieve positive growth. This is likely a result of our improving local economy and enviable quality of life. Of Interest is the fact that the area immediately surrounding the Town grew at a rate of 5.9%, which is significantly higher than the Town itself.

Other Towns

A successful public open house was held in Parrsboro for their new Municipal Planning Strategy and Land Use Bylaw. The documents will now go to Council for first reading. The Department continues to provide planning and development services to Oxford, Springhill and Parrsboro.

7.4 Police Department Monthly Report

Moved by Councillor Fawthrop, seconded by Councillor Rhindress that Council accept the following monthly report from the Amherst Police Department:

MOTION CARRIED

Personnel

Cst. Troy Keirstead tendered his resignation effective February 20th in order to accept a position with the R.C.M.P. Cst. Keirstead was a member of our department since 2003. A competition was held on February 28th - March 1st to fill vacancies within the department. Six candidates completed a written examination and were interviewed by a Board consisting of Councillor/Commissioner Robert Angel, D/Chief Naylor and Cst. Tim Hunter. The results are expected in the near future. Sgt. Armsworthy and Cst. Gilbert remain on indefinite sick leave. Commissionaire Ian Johnston has been off work since January 24th due to illness. Commissionaire Tom Osborne, who filled in as Bylaw Enforcement Officer in the past, will backfill Commr. Johnston's position until his return, expected to be in approximately 2 months

Training

In January Deputy Chief Naylor attended a one week course delivered by the N.S. Department of Justice entitled "Fundamentals of Auditing in a Police Organization. Cst. Curtis Fudge received training in "Investigation and Assessment of Child Sexual Abuse Level 1 from February 12-16, delivered by the N.S. Department of Community Services. Cst. Fudge has also been enrolled in the Canadian Police Knowledge Network's "Search and Seizure" online training. Cst. White attended a two day training session on Occupational Health & Safety.

Major Crime Unit

Members of the Amherst Police Department's Major Crime Unit, along with other patrol members conducted searches of two local residents in late January, early February. A quantity of tobacco products and drugs were located, with a street value of approximately \$3,000.00.

7.5 Fire Department Monthly Report

Moved by Councillor Rhindress, seconded by Councillor Fawthrop that Council accept the following monthly report from the Amherst Fire Department.

MOTION CARRIED

ALARM RESPONSES:

During the reporting period from February 13/07- March 14/07, the members of our Fire Department responded to 14 calls in the Town of Amherst and 3 calls to the County coverage area. Our Fire Department also assisted the Springhill Fire Department to extinguish a structure fire at the Springhill Library building.

TRAINING AND FIRE DEPT. ACTIVITIES:

The training schedule for the month of March will include eight hours of training on the program adopted by the Province of Nova Scotia called Traffic Management Guidelines for Emergency Scenes. This program outlines the requirements of establishing and maintaining a safe work area for emergency staff and vehicles when responding to accident scenes on the highway and in town. This training will be given in two four hour sessions on March 22 and March 29 at the Amherst Fire Station. Our firefighters will also receive training on forcible entry, using a simulator built by our fire department. On March 08/07 at 12:15, our firefighters responded to King Street for a Hazmat call. A delivery truck owned by the SYSCO Company, failed to navigate a turn on King Street and struck a fire hydrant which ruptured the fuel tank on the truck spilling approximately 500 liters of diesel fuel. Our Hazmat team contained the fuel spill preventing any major impact on the environment, by keeping most of the fuel from entering the storm drain which empties into Dickey Brook. A member from the Department of Environment was on the scene to monitor the situation.

FIRE PREVENTION and Emergency Preparedness:

During the 2006 Fire Prevention Week a contest for school children was co- sponsored by all of the Fire Departments in Cumberland County, including all of Town Fire Departments. Prizes were recently delivered by two members to the winners of the contest in our coverage area and pictures which will be published in the local news paper.

7.6 Corporate Services Department Monthly Report

Moved by Councillor Fawthrop, seconded by Councillor Rhindress that Council accept the following monthly report from the Corporate Services Department:

MOTION CARRIED

MONTHLY EXPENDITURES

Expenditures during the month of February 2007 totaled \$932,646 compared to \$885,202 for the same month last year.

	February 2007	February 2006
Corporate Services	\$ 192,860	\$ 194,939
Police Department	188,167	178,114
Fire Department	118,908	102,061
Operational Services	200,599	190,005
Planning Department	26,578	22,623
Community & Economic Development	115,922	110,997
Water	89,611	86,464
\$	932,646	\$ 885,202

COLLECTIONS

Total amount owing to the Town at the end of February 2007 was \$1,062,955. During the month of February 2007 we collected \$658,687.

Amounts outstanding:

	February 2007			February 2006		
	Current	Prior	Total	Current	Prior	Total
Property Taxes	\$ 403,834	\$ 153,260	\$ 557,094	\$ 293,439	\$ 194,319	\$ 487,758
Business Taxes	87,103	115,822	202,925	85,294	120,529	205,824
Sewer Rates	74,530	9,547	84,077	60,863	43,193	104,056
Water Rates	82,500	32,926	115,426	62,829	122,730	185,559
Other	85,159	18,274	103,433	36,416	18,891	55,307
\$	733,126	\$ 329,829	\$ 1,062,955	\$ 538,842	\$ 499,663	\$ 1,038,504

Amounts collected in the month of February 2007:

	February
Property Taxes	\$ 51,953
Business Taxes	6,549
Sewer Rates	110,344
Water Rates	163,460
Other (Note 1)	326,382
\$	658,687

Note 1 - includes all other grants, fines, fees, including stadium revenue.

YEARLY OPERATING STATEMENT

As of February 28, 2007 we are eleven months into our fiscal year. Our total revenue to date is \$13,050,029 compared to the budgeted amount of \$12,980,623. Our total expenditures to date are \$11,192,190 compared to the budgeted amount of \$11,775,582.

	YTD	Budget	Variance	%
Corporate Services				
Revenue	\$ 3,550,426	\$ 3,448,803	\$ 101,624	102.95%
Expenditure	(2,919,168)	(2,987,427)	68,259	97.72%
Net Contribution (Cost)	631,258	461,376	169,883	
Police Department				
Revenue	2,741,069	2,755,913	(14,844)	99.46%
Expenditure	(2,145,839)	(2,396,531)	250,692	89.54%
Net Contribution (Cost)	595,230	359,383	235,847	
Fire Department				
Revenue	1,407,965	1,408,407	(442)	99.97%
Expenditure	(1,247,010)	(1,312,587)	65,577	95.00%
Net Contribution (Cost)	160,955	95,820	65,136	
Operational Services				
Revenue	3,626,214	3,621,536	4,678	100.13%
Expenditure	(3,279,532)	(3,399,712)	120,180	96.47%
Net Contribution (Cost)	346,681	221,824	124,858	
Planning & Development				
Revenue	359,305	348,685	10,620	103.05%
Expenditure	(302,413)	(331,438)	29,025	91.24%
Net Contribution (Cost)	56,892	17,247	39,645	
Community & Economic Development				
Revenue	1,365,050	1,397,280	(32,230)	97.69%
Expenditure	(1,298,228)	(1,347,887)	49,659	96.32%
Net Contribution (Cost)	66,821	49,392	17,429	
Grand Totals				
Revenue	13,050,029	12,980,623	69,405	100.53%
Expenditure	(11,192,190)	(11,775,582)	583,392	95.05%
Net Contribution (Cost)	\$ 1,857,838	\$ 1,205,041	\$ 652,797	154.17%

Prior to calling for a motion to adjourn, Mayor Hallee expressed sadness on the recent passing of Barb Carson; Barb had been a Town employee for a number of years, having left the Town six years ago to further her career at the Department of Indian and Northern Affairs. He asked that everyone remember Barb and her family in thoughts and prayers.

8. ADJOURNMENT

On motion by Councillor Rhindress, the meeting adjourned at 8:20 PM.

APPROVED:

Gregory D. Herrett, CA
Chief Administrative Officer

Jerry Hallee
Mayor