

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, January 25, 2010 at 7:00 PM**

PRESENT: Mayor Rob Small
Deputy Mayor Terry Rhindress
Councillor Robert Angel
Councillor George Baker
Councillor Robert Bird
Councillor Dale Fawthrop
Councillor David March
Greg Herrett, CAO

ATTENDING: Jason MacDonald, Director of Planning and Engineering
Roger MacIsaac, Director of Community and Economic Development
Bill Crossman, Fire Chief
Kim Jones, Executive Assistant
Rebecca Purdy, Executive Assistant

1. O CANADA

2. HEARINGS / PETITIONS / PRESENTATIONS

2.1 Amherst & Area Chamber of Commerce, Randy Smith, President

Randy Smith distributed and reviewed with Council a couple of documents summarizing the Chamber's year in review and the projects planned for 2010.

Mayor Small said it has been a very good year for the AACCC, adding that this organization truly is standing out in the community and is tied in to a lot of projects. He suggested there may be an opportunity for a public event in the presentation of the upcoming consultants' reports on downtown revitalization and an arts, culture and heritage strategy. He commended the proposed project to rejuvenate the vacant service station, as did all members of Council. Councillor Baker asked if there is a reason why membership, which is increasing continuously (now 156), had declined in the past. Mr. Smith reported that it is because the Chamber is actively seeking dynamic members who will take an active role; they are hoping to inspire the youth to get involved in business. Gas tax hearing – Mr. Smith reported that he will be attending the upcoming gas tax hearing and presenting evidence. Dale Fawthrop thanked the Chamber for the pride they are showing in the community. Mayor Small thanked Mr. Smith for his report.

3. CALL TO ORDER Mayor Small called the meeting to order at 7:30

3.1 Additions to Agenda

**3.2 Approval of Agenda M-1001-01
Moved by Councillor Baker, seconded by Councillor March to approve the agenda as circulated.**

MOTION CARRIED

**3.3 Approval of Minutes M-1001-02
Moved by Deputy Mayor Rhindress, seconded by Councillor Baker to approve the minutes of the December 21, 2009 regular meeting as circulated.**

MOTION CARRIED

4. REQUESTS FOR DECISION

**4.1 By-Law at 2nd^t Reading: Amend LUB re Pool Fences, RFD#2010003 M-1001-03
Moved by Councillor March, seconded by Councillor Angel that Council not proceed with a public hearing and second reading for Bylaw P-2-10, a bylaw to remove the requirement to obtain a development permit and construct a fence around above ground swimming pools.**

MOTION CARRIED

**4.2 Amend Public Notification Policy, RFD#2010004 M-1001-04
Moved by Councillor Baker, seconded by Councillor March that Council approve the amended Public Notification Policy, # 66000-04 which has been amended to include CAO and Council notification in advance of public notices regarding planning issues .**

MOTION CARRIED

POLICY #66000-04 – PUBLIC NOTIFICATION**POLICY STATEMENT**

To establish a public notification policy for the adoption of the Municipal Planning Strategy, Subdivision Bylaw, Land Use Bylaw, Development Agreements and amendments thereto, as well as the issuance or denial of variances and site plans.

AUTHORITY

This policy is intended to carry out the notification requirements of the Town's Public Participation Policy as well as Municipal Government Act Sections 232, 236 and 237 (Site Plans, Variance Procedures and Variance Appeals and Costs) and Section 206 (Public Hearings).

The Director of Planning and Engineering Services, or his designate, will draft the required notifications and be responsible for the administration of this policy.

POLICYPublic Participation Session

1. For all sessions, a newspaper ad must appear in the Amherst Daily News at least 6 days and no more than 13 days prior to the session.
2. The CAO and Council must be notified no later than the first public notification.
3. If the session relates to a particular property(s), notification must be sent by regular mail to all assessed property owners within 30 metres of the subject property(s) at least 13 days and no more than 20 days prior to the session; and, hand delivered to each dwelling unit and commercial business at least 6 days and no more than 13 days prior to the session.
4. Notification of the session will be sent by registered mail at least 13 days and no more than 20 days prior to the session to the applicant, if applicable.

Public Hearing

1. An advertisement sufficient to satisfy Section 206 of the MGA will be published in the Amherst Daily News once a week, for two successive weeks, the first of which shall be published at least fourteen days before the date of the public hearing.
2. When a public hearing is the result of an application by an individual(s) or business(s) notification of the session will be sent to the applicant by registered mail at least 13 days and no more than 20 days prior to the public hearing.
3. One copy of the relevant staff report(s) will be provided to the Chief Administrative Officer at the same time as the advertisement for the public hearing. At least 10 copies of the relevant staff report(s) will be provided to the front counter for public distribution.

Variance / Site Plan

1. Within seven days after granting a variance or a site plan, the development officer shall give notice in writing of the variance or site plan granted to every assessed owner whose property is within thirty metres of the applicant's property. Such notice shall be sent by regular mail.
2. Within seven days after refusing a variance or site plan, the development officer shall give written notice of such refusal to the applicant. Such notice shall be by registered mail.
3. Where an applicant appeals the refusal to grant a variance or site plan, the development officer shall send a notification to all assessed property owners within 30 metres of the subject property by regular mail at least 13 days and no more than 20 days prior to the hearing. The applicant shall be notified of the hearing by registered mail at least 13 days and no more than 20 days prior to the hearing.

Documentation and Coordination

1. The Planning and Engineering Services Administrative Assistant shall be responsible for filing all correspondence and proof of such correspondence associated within this policy.
2. A copy of any draft newspaper ad as well as the covering letter sent to the newspaper shall be kept in the subject file; copies of the actual ad as it appeared in the paper shall be clipped and saved in the file.
3. A list of all assessed property owners who were mailed a notification shall be placed in the file, the date of mailing shall also be included as well as the name of the mailer;
4. A map showing all properties which received a hand delivered notification shall be kept in the file. This map shall contain the date that the notifications were dropped off, and be signed by the individual undertaking the task.
5. A copy of the registered mail delivery confirmation shall be kept on file.

4.3 Amend Amherst Emergency Plan, RFD#2010002 M-1001-05

The following resolution was moved by Councillor Bird, seconded by Deputy Mayor Rhindress:

WHEREAS the Town of Amherst has, in accordance with and by authority of the Province of Nova Scotia Emergency Management Act, developed an emergency management plan; and

WHEREAS the Town of Amherst recognizes the importance of keeping the emergency management plan as current as possible; and

WHEREAS from time to time, various sections of the emergency plan including contact information, staffing and departmental restructuring information require updating;

BE IT THEREFORE RESOLVED THAT, under the authority of the Province of Nova Scotia Emergency Management Act, the Town of Amherst Council accepts the revisions to the Town of Amherst Emergency Management Plan, as outlined in section 2 of the plan (Distribution List and Amendments).

MOTION CARRIED

4.4 Funding Application: eco-Nova Scotia, RFD#2010005 M-1001-06

Moved by Councillor Fawthrop, seconded by Councillor March that Council support the following three projects:

- 1) Conversion of existing electrical hearing system at the Fire Station to natural gas at an estimated cost of \$57,000 and an estimated CO2 reduction of 72,936 kg;
- 2) Replace existing HID street lights throughout the town with LED fixtures at an estimated cost of \$1,400,000 and an estimated CO2 reduction of 340,939 kg; and
- 3) Installation of a wind turbine at the site of the new sewage treatment plant at an estimated cost of \$300,000 and an estimated CO2 reduction of 128,600 kg,

And further, direct staff to include 50% of the total project cost in the draft 2010/2011 capital budget and apply for funding representing 50% of the project cost through Category 2 of the ecoNova Scotia Program.

MOTION CARRIED

4.5 Funding Request: ARHS Reunion, RFD#2010001 M-1001-07

Moved by Councillor Angel, seconded by Councillor March that Council approve funding support under the Festivals and Events Policy in the amount of \$1000 to the Amherst School Reunion 2010 taking place from July 23 to 25.

MOTION CARRIED

4.6 Funding Request: International Women's Day, RFD#2010006 M-1001-08

Moved by Deputy Mayor Rhindress, seconded by Councillor March that Council approve funding support under the Festivals and Events Policy in the amount of \$100 to the International Women's Day Committee for the annual luncheon to be held on March 12 at the Amherst Lions Hall.

MOTION CARRIED

4.7 Funding Request: Balanced Living Expo, RFD#2010008 M-1001-09

Moved by Councillor Baker, seconded by Councillor Fawthrop that Council authorize funding support under the Festivals and Events Policy in the amount of \$250 for the Balanced Living Expo to be held in Amherst on February 20, 2010.

MOTION CARRIED

4.8 March Meeting Dates, RFD#2010007 M-1001-10

Moved by Councillor March, seconded by Deputy Mayor Rhindress that the regular meeting dates of March 2010 Committee of the Whole and Town Council be changed from the third and fourth Monday's to the fourth and fifth Monday's, respectively.

MOTION CARRIED

Councillor March declared a potential conflict and excused himself from the Council table during discussion on this issue.

Moved by Councillor Fawthrop, seconded by Deputy Mayor Rhindress that the Town of Amherst donate \$2000 to the “48 Hours for Haiti” and that a cheque in that amount be made out to the Red Cross.

MOTION CARRIED

5. INFORMATION / DISCUSSION ITEMS

5.1 Earth Hour

Councillor Bird informed Council that Earth Hour has done a lot to raise awareness of climate change issues; however there's more to it than switching off lights for one hour, once a year. It's all about giving people a voice on the future of our planet, and the chance to send a message of hope to world leaders. Since 2007, Earth Hour has gained worldwide support for positive action against global warming. By March 2009, hundreds of millions of people in over 4,000 municipalities in 88 countries officially 'switched off' to vote for Earth.

Earth Hour is held each year on the last Saturday in March. Which means the next Earth Hour event will be **Saturday, March 27, 2010**. In past years, the Town has voted in favor of the environment by turning the lights in Town buildings off for the hour between 7 and 8 PM.

We encourage our community to vote with us and to turn off their lights also. In addition, we are asking the community to come forward with any ideas as to how we can recognize Earth Hour in Amherst over and above the simple task of turning off a light switch. If you have a unique idea that we can promote in the community for that day, please contact the Town and let us know.

5.2 Four Fathers Festival

Councillor Angel reported that a meeting of the Four Fathers Festival Committee was held on January 12th. Representatives attending were from the following groups:

- o Town of Amherst
- o Cross Border Challenge Committee
- o Amherst Visual Arts Community
- o Cumberland Regional Library
- o Anne Murray Centre
- o Cumberland Museum Society
- o Amherst Lioness Club
- o Amherst Loins Club
- o Youth Advisory Committee

The Four Fathers Festival will be held from Thursday, July 1st to Sunday, July 4. While the focus of activities will be the downtown core similar to last year, the location of the tent will most likely not be on Victoria Street, and instead, placed on a lot in close proximity. Additional venues for activities could local churches, community halls and the Stadium.

As in past years, Victoria Street will be closed for Canada Day activities on July 1 and fireworks will be held that night at the Robb Complex. This program continues to draw good attendance and is a great launching pad for overall festival activities.

The committee will be promoting participation in the festival through advertising in the local media and by way of a mail outs. Notices will be sent to community members to participate in the Four Fathers Festival either as a volunteer working with the committee or by hosting an event or activity during the festival. The committee members responsible for addressing music and entertainment for this year's festival are currently working on a schedule of events for the festival and will be presenting their results over the next month.

To accommodate a strong marketing effort both in Amherst and outside the Town, the committee has set a deadline of April 15th for the information required for creating the promotional material for the festival. This will allow for printing and distribution during the first week of May.

The next meeting of the Four Fathers Festival Committee will be held on Monday February 1 at 4:00 PM in the meeting room at the Amherst Stadium.

6. STRATEGIC PRIORITIES

6.1 Dickey Park Redevelopment – Status Report

Councillor Baker presented the following Project Status Report on Dickey Park Redevelopment:

Work on the building housing the washrooms and change rooms are about 90% complete with the painting being done inside the building. The lights around the track have been completed and are on from dark until 10:00 PM nightly.

With the winter weather upon us, we will wait until the early spring to host a more formal event at Dickey Park to celebrate the lights and completion of the first stage of development. In the mean time, we are getting some excellent comments from residents on how the park looks, and we have people using the track currently for cross country skiing and snowshoeing activities.

A funding application has been submitted to the Province for Phase Two of this project and we are hopeful that they will look at this project in a favorable light.

6.2 Arts Culture & Heritage – Project Status Report

Councillor Fawthrop presented the following status report on the Arts Culture and Heritage strategic priority:

The consultants presented the draft arts culture and heritage strategy to the project steering Committee on January 12, 2010. The Committee was very pleased with the draft and a final copy has been submitted to the Committee.

DmA will present the final report to Town Council early in February, followed by a presentation to the public at a later date.

6.3 Downtown Revitalization – Project Status Report

Councillor March presented the following project status report on the Downtown Action Strategy:

The consultants have presented the draft action strategy to the project steering Committee on January 14, 2010. The Committee was generally very pleased with the draft and is meeting on January 21 to finalize a list of issues to be addressed by Ekistics.

Ekistics will present the final report to Town Council early in February, followed by a presentation to the public at a later date.

6.4 Youth Initiatives – Project Status Report

M-1001-12

Mayor Small presented the following project status report on the Youth Advisory Committee:

The Youth Advisory Council (YAC) and Amherst Town Council held a Committee of the Whole meeting on January 6, 2010. At this meeting, as Mayor I had the pleasure of administering the Pledge of Office to the Youth Advisory Committee members, which was followed by an official signing.

Discussed at this meeting were subjects related to our strategic priorities, budgets and an outline of some of the activities the Youth Advisory Council would like to pursue in the coming year.

Over the coming months, the Youth Advisory Council will focus their attention on implementing some of the activities presented. Whereas the Youth Advisory Council is a committee of Council, a committee report will be included in the Council Agenda each month a meeting is held.

Moved by Deputy Mayor Rhindress, seconded by Councillor March that, whereas all activities related to this Strategic Priority have been undertaken, Council approve the Skateboard Park Feasibility Strategic Priority as being complete.

MOTION CARRIED

6.5 Town Beautification – Project Status Report

Deputy Mayor Rhindress presented the following Town Beautification Project Status Report:

Tenders for the new 'Welcome to Amherst' signs were recently awarded to Hanson signs. Staff have been busy locating the final location of the signs taking into account the location of underground services, property lines and traffic sight lines. The new signs should be installed before the end of January.

The community's response to the Adopt a Garden program has been slow getting off the mark. We have received a couple of calls, but no formal requests at this point. A mail-out has been undertaken, targeting community groups, and the Town continues to promote the program via the local media. Interested individuals and organizations are asked to contact the Community and Economic Development Department for further details.

7. INTERNAL COMMITTEE REPORTS**7.1 Planning Advisory Committee**

Councillor Bird presented the following Planning Advisory Committee Report:

The Planning Advisory Committee met on January 13, 2010 to discuss an application for a development agreement for a 4 -6 unit townhouse development located at 19 Dale Street. The applicant is the Department of Community Services and the new development would work in conjunction with the Fort Cumberland Manor. A public participation opportunity was held with two members of the neighborhood in attendance. These people were mainly concerned with the amount of traffic currently on the site and impact that the new dwelling units would have on the current traffic / parking situation. The Committee had many concerns and questions for the applicant, who could not be represented at that meeting due to an illness. Therefore the Committee decided to adjourn the public participation opportunity until the next meeting of the PAC at which time the PPO would resume.

The Committee also received a report from staff regarding alternative residential development standards. This issue was once again tabled due to time constraints and will be brought forward again at the February meeting, currently scheduled for February 3rd.

7.2 Amherst Board of Police Commissioners - Nil Report**7.3 Dangerous or Unsightly Premises Committee**

Councillor Bird presented the following Dangerous and Unsightly Premises Committee Report:

The Dangerous and Unsightly Premises Committee met on January 14, 2010. To date this year we have had 43 complaints; 36 of which have been brought into compliance. We are happy to report that most property owners continue to work with the Committee to bring their properties into compliance.

At the January meeting the Committee reviewed the outstanding files and received a report on one new property complaint – 9 Havelock Street (Mural Building). The property owner was ordered to have an engineer inspect the building and report to the Committee on the structural integrity of the building.

The Committee is scheduled to meet again on February 10, 2010.

7.4 Tyndal Well Field Advisory Committee – Nil Report**7.5 Tree Advisory Committee – Nil Report****7.6 Heritage Advisory Committee - Nil Report****7.7 Audit Committee - Nil Report****7.8 Committee of the Whole - Nil Report**

8. EXTERNAL COMMITTEE REPORTS

8.1 **Cumberland Regional Library Board** – Nil Report

8.2 **CREDA** – Nil Report

8.3 **DARS**

Councillor Baker provided an activity report on DARS; highlights of his report included a five year development strategy currently underway which includes a comprehensive downtown site development plan, wireless internet access, marketing, beautification, etc. The final document will integrate aspects of the “Centre First” strategy which will be presented to Council in the coming weeks.

8.4 **CJSMA**

Deputy Mayor Rhindressr presented the following CJSMA report:

CJSMA has hired Dillon Consulting to conduct a Regional Solid Waste Study. Part of this study will include staff, councilor and public participation. Jason MacDonald and Ron Curtis will be the municipal employee reps and Councilors Rhindress and Baker will be the elected reps (they are both on CJSMA). CJSMA will pick the residential and commercial representatives from the Town to interview.

Plastic bags have been banned from compost for many years. However, up until now CJSMA has not been enforcing this rule. Effective April 1st 2010 they will enforce it and our collection contractor (PBS) will reject any compost bins which contain plastic.

The issue is many people still use a plastic 'grocery' bag to line their kitchen compost bin. These plastic bags increase processing costs and reduce the quality and amount of compost.

In order to prepare our customers for the enforcement of this existing rule CJSMA will deliver a flyer to every household and put ads in the newspaper. In addition, PBS will place a WARNING sticker on every compost bin that contains a plastic garbage bag. Until April 1st the compost bin will still be emptied, however, after April 1st the compost with plastic bags will be rejected. This warning sticker is a great way to inform residents of the rule change. Come April 1, 2010 there will be no reason for people to complain that they did not know about the rule as everyone currently using plastic bags will be receiving warning stickers.

Deputy Mayor Rhindress will raising the issue of citizens being required to use the expensive paper bags and not plastic bags, as is currently the practice, for leaf and yard waste pick up at the next CJSMA meeting.

8.5 **Northern Region Waste Resource Committee**

Councillor Baker reported that he attended a Northern Region meeting in Truro on Friday, January 22; he will be bringing to Council at an upcoming meeting, the issue of appointment of alternate members to this committee.

The Northern Region committee is seeking increased municipal representation on the RRFB. Diminishing RRFB diversion credits is an issue of serious concern for all regions and municipal units. The total amount for the Province was \$6,445,000 in 2007/08; \$5,235,555 in 2008/09 and is projected to be \$4,745,062 for 2009/10. Compounding this issue, the Province has amended their agreement with the RRFB to reflect an increase in their financial reimbursement from 10% to 15%. The Diversion Formula Committee is trying to develop a fair, defensible and quantitative formula that reflects effort and direct expenses incurred by Regions/Municipalities to meet Provincial regulations under the Environment Act.

Adding to Deputy Mayor Rhindress' comments regarding the ban on plastic bags in the compost facility, Councillor Baker added that the Northern Region has been discussing a ban of plastic bags in compost but not for collection of leaves.

8.6 **Cooperation Committee** - Nil Report

8.7 **Airport Committee** - Nil Report

8.8 **Amherst and Area Chamber of Commerce** – Nil Report

8.9 **VON**

Councillor Baker reported that he is happy to be on this board. A few highlights – Wendy Macdonald has retired and the VON has a new Executive Director, Carol Curley. He provided some statistics on VON programs, including Visiting Nurse Program, Home Support Programs, H1N1 Clinics, and Meals on Wheels.

9. MAYOR'S COMMENTS

Mayor Small thanked Deputy Mayor Rhindress for attending the presentation last week on behalf of the five municipal units of Cumberland to Mrs. Doug Robinson, and also for representing him at the recent Lions meeting and presenting certificates on behalf of the Town to charter members. He congratulated Councillor March on the fabulous job he did over the weekend in his "48 Hours for Haiti" program. Councillor March responded that he was overwhelmed by the response from the community.

Mayor Small reported that the Utility and Review Board Hearings on Gasoline Products Pricing Regulations are scheduled for this week and explained the process. In closing, he encouraged people to celebrate the Olympic Games.

10. ADJOURNMENT

On motion by Deputy Mayor Rhindress the meeting adjourned at 8:25 PM.

APPROVED BY:

Gregory D. Herrett, CA
Town Clerk and Chief Administrative Officer

Robert Small
Mayor

AGENDA

1.	O'CANADA				
2.	HEARINGS/PETITIONS/PRESENTATIONS/PETITIONS				
2.1	Randy Smith, Amherst & Area Chamber of Commerce (distributed handouts , pages 2, 3 and 4)				
3.	CALL TO ORDER			Presenter	Page
3.1	Additions to Agenda				
3.2	Approval of Agenda			Baker	
3.3	Approval of Minutes: December 21, 2009 Regular Meeting			Rhindress	5
4.	REQUESTS FOR DECISION		RFD	Presenter	Page
4.1	By-Law at 2 nd Reading: Amend LUB re Pool Fences		2010003	March	16
4.2	Amend Policy: Public Notification		2010004	Baker	16
4.3	Amherst Emergency Plan (amended)		2010002	Bird	22
4.4	Applications for Funding: eco-Nova Scotia		2010005	Fawthrop	29
4.5	Funding Request: ARHS Reunion		2010001	Angel	32
4.6	Funding Request: International Women's Day		2010006	Rhindress	39
4.7	Funding Request: Balanced Living Expo		2010008	Baker	43
4.8	March Meeting Dates		2010007	March	48
4.9	Haiti			Fawthrop	--
5.	INFORMATION / DISCUSSION ITEMS				
5.1	Earth Hour			Bird	50
5.2	Four Fathers Festival Update – Additional Item			Angel	51
6.	STRATEGIC PRIORITIES				
6.1	Dickey Park Redevelopment - Project Status Report			Baker	52
6.2	Arts Culture & Heritage – Project Status Report			Fawthrop	53
6.3	Downtown Revitalization – Project Status Report			March	54
6.4	Youth Initiatives – Project Status Report			Small	55
6.5	Town Beautification – Project Status			Rhindress	56
7.	INTERNAL COMMITTEE REPORTS				
7.1	Planning Advisory Committee			Bird	57
7.2	Amherst Board of Police Commissioners			Nil report	--
7.3	Dangerous or Unsightly Premises Committee			Bird	58
7.4	Tyndal Wellfield Advisory Committee			Nil report	--
7.5	Tree Advisory Committee			Nil report	--
7.6	Heritage Advisory Committee			Nil report	--
7.7	Audit Committee			Nil report	--
7.8	Committee of the Whole			Nil report	--
8.	EXTERNAL COMMITTEE REPORTS				
8.1	Cumberland Regional Library Board			Nil report	--
8.2	CREDA			Nil report	--
8.3	DARS			Baker	59
8.4	CJSMA			Rhindress	61
8.5	Northern Region Solid Waste			Baker	62
8.6	Cooperation Committee			Nil report	--
8.7	Airport Committee			Nil report	--
8.8	Amherst and Area Chamber of Commerce			Nil report	--
8.9	VON			Baker	65
9.	MAYOR'S COMMENTS				
10.	ADJOURNMENT				