

Amherst Town Council

Special Meeting

Minutes

Date of Meeting: Friday, June 12, 2015
Location: Council Chambers, Town Hall

Members Present: Mayor Robert Small
Deputy Mayor George Baker
Councillor Frank Balcom
Councillor Robert Bird
Councillor Lisa Emery
Councillor David March
Councillor Terry Rhindress

Staff Present: Jason MacDonald, Deputy CAO Operations
Vince Arbing, Treasurer
Rebecca Purdy, Executive Assistant
Sarah Wilson, Accountant
Andrew Fisher, Planner

1. **VARIANCE APPEAL HEARING – 10, 12 and 14 Mallard Drive**

Mayor Small welcomed all in attendance and asked the Planner for his report; Andrew Fisher described the procedure for variances and detailed the specific variance being appealed today on Mallard Drive.

The Planner addressed enquiries from Council, including whether the same reduced setback would be required if the development was smaller, i.e. two units instead of three.

As one of the adjacent land owners, Mr. Durlene Stiles stated that there had been a right-of-way from East Victoria to his property behind the subject property on Mallard Drive since the 1800's; it ran from the Welcome sign on East Victoria Street over the subject property formerly owned by his family, to his property and the marsh. All of the development that has taken place has done away with his ROW. He said if his ROW isn't reinstated that he would be willing to sell his property to the developer.

Andrew Cameron representing the owner of the development and other developed properties on Mallard Drive addressed Council; he said there were never ROWs registered against any of the properties they purchased and developed. With regard to the appeal on the variance on the frontage, they have already modified their building footprint to fit into the space. He said he is willing to work with Mr. Stiles to provide access to their property; however, with no supporting documentation there is no way of knowing if a ROW did exist.

Council asked if it would be possible to grant the easement with condition of the ROW. D/CAO said that a ROW is a civil matter between the property owners; he said it isn't up to the Town. The issue today is whether to uphold the variance and whether it is appropriate for the surrounding development that is already there. Council should only consider whether the distance from the street is acceptable. Access to the Stiles property could be accommodated at the end of Derby Street, but that is a separate process.

Mayor Small adjourned the variance appeal hearing at 12:30 PM.

2. **CALL TO ORDER**

3. **REQUEST FOR DECISION**

3.1. Variance Appeal - Mallard Drive

Moved By: Councillor David March

Seconded By: Councillor Terry Rhindress

That Council upholds the variance at 10, 12 and 14 Mallard Drive to reduce the minimum required front yard setback from 10 m to 7.2 m.

Moved By: Councillor Lisa Emery

To table the decision on the variance for one week

Motion Lost – No Seconder

Original Motion Carried 5-2

(Opposed: Councillor Robert Bird and Councillor Lisa Emery)

3.2. Sanitary Sewer Rates Bylaw Amendment, 2nd Reading

Moved By: Councillor Frank Balcom

Seconded By: Councillor Lisa Emery

That Council approve second reading of a bylaw to amend the Sanitary Sewer Rates Bylaw

Moved By: Councillor Lisa Emery

Seconded By: Councillor David March

To amend the Bylaw to Amend the Sanitary Sewer Rates Bylaw to remove paragraph 2 in its entirety and replace it with the following:

Every owner of an unmetered mobile home within a land leased community which is connected to the Town of Amherst sanitary sewer system shall pay to the Town an annual Uniform Charge for the operation of the sanitary sewer system of the Town.

(and renumber the paragraphs accordingly);

to change the words "and base charges" to "**base charges and uniform charges**" in paragraph 3 as renumbered;

to reinstate paragraph 5 (and renumber the paragraphs accordingly);

and to add the words "**and uniform charges**" after the words "sewer base charges" in paragraph 6 as renumbered.

Motion Carried

Original Motion Carried with Amendment

Bylaw to Amend the Sanitary Sewer Rates Bylaw, D-19

1. This is a by-law to amend the Town of Amherst Sanitary Sewer Rates Bylaw, adopted by Council on June 24, 2002.
2. The Sanitary Sewer Rates Bylaw is amended as follows:
 - a) Removing paragraph 2 in its entirety and replacing it with the following:
Every owner of an unmetered mobile home within a land leased community which is connected to the Town of Amherst sanitary sewer system shall pay to the Town an annual Uniform Charge for the operation of the sanitary sewer system of the Town.
 - b) Adding a comma after the words "set rates" and after the comma and adding the words "base charges and uniform charges" before the words "for sewer services." in paragraph 2 as renumbered;
 - c) Removing the words "Service Charge is a lien..." and replacing them with "rates, the sewer base charges and uniform charges are ..." in paragraph 6.

3.3. Sewer Rates Resolution

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council approves the following Sewer Rates Resolution:

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

THEREFORE BE IT RESOLVED THAT owners shall be billed for sewer services using one of the following methods effective April 1,2015:

- Metered Customers

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

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

- Base Charges

Those owners whose water service is metered shall pay a base charge quarterly. The quarterly base charge by meter size is:

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

- Non-Metered Customers

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

Motion Carried

3.4. Wastewater Treatment Facility Uniform Charge

Moved By: Councillor Lisa Emery

Seconded By: Councillor Frank Balcom

That Council approves the following Wastewater Treatment Facility Uniform Charge Resolution:

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2016, an amount to be raised and transferred to reserves for a portion of the debenture principal and interest payments for the wastewater treatment facility, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 497 unmetered mobile homes within a land leased community within the boundaries of the Town of Amherst; and

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

THEREFORE BE IT RESOLVED that a uniform charge of \$72.00 be levied for the fiscal year ending March 31, 2016 on each unmetered mobile home within a land leased community within the boundaries of the Town of Amherst, and that these uniform charges are due and payable on September 30, 2015 with interest to be charged on all final tax accounts outstanding on or after October 1, 2015 at the rate of 1% per month, 12% per annum.

Motion Carried

3.5. Tax Exemption Bylaw

Councillors Emery and March declared a conflict and excused themselves from the Council table for the discussion and decision on this issue.

Moved By: Councillor Robert Bird

Seconded By: Councillor Frank Balcom

That Council approves second reading of the bylaw to amend the Tax Exemption Bylaw

Motion Carried

Bylaw to Amend the Tax Exemption Bylaw, B-1

3. This is a by-law to amend the Tax Exemption Bylaw, B-1.

4. The Tax Exemption Bylaw of the Town of Amherst is hereby amended as follows:

a) Add the following new paragraph 5 “APPLICATION PROCESS” and renumber the paragraphs accordingly:

In order to be considered for a tax exemption, all organizations or institutions must apply in writing to the Town of Amherst by January 31 of each year. Included with the application will be the annual financial statements for the most recent fiscal year. Exemptions granted will be based on the financial need of the organization or institution. This is to become effective in the 2016/17 fiscal year.

b) Add the following words in Schedule A, after the words “under Section 71(1)(a) of the Municipal Government Act”:

and from area rates in accordance with Section 71(5) of the Municipal Government Act

c) Add the following organization to Schedule C:

**Property: Land and Building, 80 Church Street
 Owner: Tantramar Community Radio Society
 Assessment Account Number: 0005045
 Extent of Application: The Whole of Commercial Portion
 Extent of Exemption: 100%**

d) Add a new Schedule D – Application Form

3.6. User Fees Policy

Moved By: Councillor Frank Balcom

Seconded By: Councillor Robert Bird

That Council approves the amended Town of Amherst User Fees Policy number 3470-03 and Schedule A - List of Rates

Motion Carried

TOWN OF AMHERST ANNUAL REVIEW OF USER FEES POLICY NUMBER 03470-03

PURPOSE:

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

POLICY STATEMENT:

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

OBJECTIVES:

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

Annual Review of User Fees – Schedule A

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

By-Law Fees Collected by Corporate Services		
C-9 Taxi By-Law, Schedule E		
Taxi Cab License	\$25/yr	HST Exempt
Taxi License Transfer	\$10	HST Exempt
Taxi Driver License	\$20/yr	HST Exempt
Taxi Driver License Replacement	\$10	HST Exempt
C-4 Dog-By-Law, Schedule A		
Dog License spayed/neutered	\$15/yr	HST Exempt
Dog License un-spayed/un-neutered	\$30/yr	HST Exempt
Lost Tag Replacement	\$15	HST Exempt
Dog-1 st Impoundment	\$30	Plus HST
Licensed Dog-2 nd Impoundment	\$70	Plus HST
Licensed Dog-3 rd & Subsequent Impoundments	\$100	Plus HST
Unlicensed Dog-Impoundments	\$100	Plus HST
Maintenance fee – Impoundment period	\$15/per day	Plus HST
C-11 False Alarms - After 2nd Notice	\$50/alarm	HST Exempt

Operational Services		
It is not the intention of the policy to rent Town of Amherst equipment to the general public; these rates and the availability of this equipment are contemplated for use by commercial concerns only.		
Equipment Charge out Rates	Rate per Hour	HST Status
Backhoe	\$90.70*	Plus HST
Loader	\$95.98*	Plus HST
1-ton trucks/Service trucks	\$44.23*	Plus HST
3-5 ton trucks	\$64.00*	Plus HST
Street Sweeper	\$115.00*	Plus HST
Trackless	\$70.00*	Plus HST
Sewer Camera	\$100.00*	Plus HST
Line Locator	\$50.00*	Plus HST
Hole Hog	\$45.00*	Plus HST
Vermeer Brush Chipper	\$60.00*	Plus HST
Steamer	\$30.00*	Plus HST
Trash Pump	\$15.00	Plus HST
Diaphragm Pump	\$15.00	Plus HST
Overhead charges extra – see procedure		
* Price includes one operator and fuel during normal working hours; overtime labour rates are extra.		
Operational Services By-Laws		
D-3 Sewer Use Wastewater Discharge By-Law		
One Connection	\$750.00	Plus HST
Storm Sewer Connection (if done at the same time as sewer connection)	\$250.00	Plus HST
D-19 Sanitary Sewer Rates By-Law		
Residential Metered Customers	\$.99 m ³	HST Exempt
Commercial/Industrial/Institutional metered customers	\$.49 m ³	HST Exempt
Annual Base Charges – Meter Size		
5/8"	\$72.00	HST Exempt
3/4"	\$108.00	HST Exempt
1"	\$175.00	HST Exempt
1.5"	\$344.00	HST Exempt
2"	\$545.00	HST Exempt
3"	\$1,085.00	HST Exempt
4"	\$2,000.00	HST Exempt
Annual Non-metered Mobile Home Park Owner	\$178.53 /dwelling unit/year	HST Exempt
Unmetered Residential Customers	Flat charge \$268.24/yr	HST Exempt

Other		
Uniform Charge for Wastewater Treatment Facility for un-metered mobile homes billed on the property Tax Bill	\$72.00/yr	HST Exempt
Solid Waste Collection billed on Tax Bill	\$170.00/yr	HST Exempt
Replacement Green Bin(Composter)	\$95.00	Plus HST
Replacement White Kitchen Compost(Bucket)	\$5.00	Plus HST

Services/Products – Operational Services		
Parking Space Rental – Yearly	\$200.00	Plus HST
Parking Space Rental – Monthly	\$20.00	Plus HST
Street Breaking Permit (Policy 31600-08)	\$500.00	Plus HST
Commercial Sewer Service (Policy 31600-14) Estimated by Engineer and final adjustment when work is done	Cost of Service	Plus HST

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

Building Permits		
New residential buildings, community centres, churches	\$50.00 + \$0.12 per square foot	HST Exempt
New Commercial, Industrial or other building not listed	\$50.00 + \$0.17 per square foot	HST Exempt
All alterations or repairs	\$50.00 + 0.25% of value	HST Exempt
Decks, accessory buildings and farm buildings	\$50.00 + \$0.04 per square foot	HST Exempt
Demolition	\$20.00	HST Exempt
Permit Renewals	\$50.00	HST Exempt
Development Permit	\$50.00	HST Exempt

Police Department		
Commissioner of Oaths Signing	\$15.98	HST Exempt
Commissioner of Oaths Signing – Child Abuse Register for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Criminal Record Check	\$25.00	Plus HST
Criminal Record Check for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Serial # Verification (homemade trailers)	\$25.00	Plus HST
Fingerprints (for non-criminal reasons)	\$25.00 \$50.00	Plus HST
Accident Reports	\$25.00	Plus HST
Taxi License Photo	\$10.00	Plus HST

Fire Department		
Firefighter	\$20.00/hour	HST Exempt
Apparatus	\$200.00/in use; \$100.00/standby	HST Exempt
Standby Jaws of Life Alarm	\$350.00	HST Exempt
Meters	\$50.00/hr	HST Exempt
Saws	\$50.00/hr	HST Exempt
Lighting System	\$25.00/hr	HST Exempt
Generator	\$25.00/hr	HST Exempt
Foam – All Types	\$125.00/jug	HST Exempt
Specialized Suits – Hazmat	Replacement cost	HST Exempt
PPE (bunker gear)	Replacement cost	HST Exempt
Fire Extinguisher Training	\$300.00 up to 15 people	Plus HST
Fire Inspections	\$75.00/hr	Plus HST
Inspection Confirmation Letter	\$50.00	HST Exempt

Recreation		
Ice Time/Stadium		
Early Bird (6:00 – 8:15 am)	\$55.00/hr	Plus HST
Fair Time (8:30 am – 5:00 pm)	74.00/hr	Plus HST
Prime Time (after 5:00 pm)	\$122.00/hr	Plus HST
Youth Rate	\$93.00/hr	Plus HST

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

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

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

Off Season Stadium Rentals		
Rink Floor Only	\$40.00 per hr or \$600.00 for full day	Plus HST
Entire Facility including meeting rooms, team rooms	\$62.50 per hr or \$750.00 per day	Plus HST
2 nd Floor meeting room and lounge	\$50.00 per hour or \$150.00 per day	Plus HST

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

Equipment Rental – Stadium (Policy 72300-09)		
Ice paint spray equipment (with qualified employee)	\$50.00/job plus labour & transportation	Plus HST

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

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

4. ADJOURNMENT

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Robert Bird

To adjourn at 1:05 PM

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor