

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, September 27 , 2010 at 7:00 PM**

PRESENT: Mayor Robert 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 & Economic Development
Ben Pitman, Director of Transportation and Public Works
Kim Jones, Policy, Research and Human Resources
Rebecca Purdy, Executive Assistant

1. O CANADA

2. HEARINGS / PETITIONS / PRESENTATIONS

3. CALL TO ORDER

3.1 Amendments to the Agenda

**3.2 Approval of Agenda M-1009-01
Moved by Councillor Baker seconded by Councillor March to approve the agenda as presented.**

MOTION CARRIED

**3.3 Approval of Minutes M-1009-02
Moved by Deputy Mayor Rhindress seconded by Councillor Fawthrop to approve the following minutes as circulated:**

- June 29, 2010 Regular Meeting
- June 29, 2010 Special Meeting
- July 8, 2010 Special Meeting
- July 16, 2010 Special meeting
- August 18, 2010 Special Meeting

MOTION CARRIED

4. REQUESTS FOR DECISION

**4.1 Funding Request – Amherst Intermediate Baseball, RFD#2010082 M-1009-03
Moved by Councillor Angel, seconded by Councillor March that Council approves funding assistance in the amount of \$500 to Amherst Intermediate Baseball to assist in defraying the costs of hosting the Nova Scotia Intermediate Baseball Championship held on Labour Day weekend in Amherst.**

MOTION CARRIED

**4.2 Arts Coordinator – MOU Between the Town & CREDA, RFD#2010083 M-1009-04
Moved by Councillor Fawthrop, seconded by Councillor Angel that Council approves a Memorandum of Understanding between the Town and CREDA for the Arts, Culture and Heritage Coordinator position, and authorizes the Mayor and CAO to sign on behalf of the Town.**

MOTION CARRIED

**Memorandum of Understanding
THE TOWN OF AMHERST
(Hereinafter referred to as “the Town”)
AND
THE CUMBERLAND REGIONAL ECONOMIC DEVELOPMENT AGENCY
(Hereinafter referred to as “CREDA”)**

WHEREAS the Town and CREDA have recently cooperated in the development and completion of the Town's Arts and Culture Strategy, entitled "Authentically Amherst" ; and

WHEREAS the Town requires the services of an Arts and Culture Coordinator to implement the Strategy; and

WHEREAS the Town and CREDA are interested in continuing the partnership in order to achieve the implementation of "Authentically Amherst"; and

WHEREAS the Town recognizes that CREDA has developed significant expertise in the coordination and implementation of similar projects over the past number of years; and

WHEREAS the goal of the relationship between the Town and CREDA is the successful implementation of the "Authentically Amherst" Strategy; and

WHEREAS the Town and CREDA agree that the successful implementation of "Authentically Amherst" will foster the economic growth of the Town while at the same time improving the quality of life of the Town's residents;

THEREFORE it is agreed that:

1. CREDA will provide the services of an Arts and Culture Coordinator to the Town in respect of the implementation of "Authentically Amherst" , including but limited to:
 - a. The provision of a dedicated staff person (minimum 28 hours per week), reporting directly to the CREDA Executive Director;
 - b. General office accommodation for said staff person;
 - c. Administrative support for said staff person.
2. The work plan for the Arts and Culture Coordinator to be developed in conjunction with the Town's Director of Planning and Development Services.
3. CREDA shall report monthly to the Town on the status of the work plan, including all completed, ongoing and planned projects.
4. The Town shall compensate CREDA in the base amount of \$35,000 annually, payable in twelve equal installments, upon receipt of invoice from CREDA. The basis for the annual cost is included in Appendix A, forming part of this MoU.
5. In the event that the parties receive funding from senior levels of government for the implementation of "Authentically Amherst" which include funding for employee wages, where relevant / applicable additional funding will first be used to increase the position to full time, then will be used to offset the wage costs for the Town. Other funding will be used as designated by the funding agencies.
6. The Town shall, in addition to the amounts identified in paragraph 4 above, be responsible for any costs associated with the implementation of the Strategy. Such funds to be clearly identified on the yearly operating and / or capital budget of the Town and developed in conjunction with the Coordinator, CREDA Executive Director and Town Director of Planning and Development Services.
7. This MOU shall be in effect from time of signing and shall continue in effect until canceled by either of the parties using the procedures set out in paragraph 9.
8. The terms and conditions of this MOU shall be reviewed annually by the parties.
9. Either party to this MOU may terminate its participation in this relationship by giving six months notice, in writing, of its intention to discontinue the relationship. The following positions are designated as representatives of the Parties for the purposes of this MOU and notices and/or reports required under this MOU shall be delivered as follows:
 - a. In the case of CREDA, the Executive Director
 - b. In the case of the Town, the Director of Planning and Development Services

This Memorandum of Understanding reflects an agreement between the Town of Amherst and the Cumberland Regional Economic Development Authority.

IN WITNESS WHEREOF the parties have executed this Memorandum of Understanding by their duly authorized officers this _____ day of September, 2010.

SIGNED, SEALED AND DELIVERED

Appendix A

BUDGET

Salary and Benefits	\$30,000
Communications	\$2,000
Administration Support/ Office Space	<u>\$3,000</u>
	\$35,000

- 4.3 **LED Streetlight Conversion, RFD#2010084** **M-1009-05**
 Moved by Councillor Bird, seconded by Councillor Fawthrop that Council accepts the proposal submitted by LED Roadway Lighting for the supply and installation of streetlights in the Town of Amherst in the amount of \$1,095,882.60 plus HST.

MOTION CARRIED

- 4.4 **Purchase & Sale Agreement, Former RCMP Property, RFD#2010085** **M-1009-06**
 Moved by Deputy Mayor Rhindress, seconded by Councillor March that Council enters into a purchase and sale agreement with Her Majesty the Queen in Right of Canada as represented by Royal Canadian Mounted Police in the amount of \$37,000 in order to purchase the former RCMP property on Victoria Street, and authorizes the Mayor and CAO to sign on behalf of the Town of Amherst.

MOTION CARRIED

THIS AGREEMENT made this ____ day of _____ 2010

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by Royal Canadian Mounted Police (hereinafter referred to as "RCMP") OF THE FIRST PART

And

TOWN OF AMHERST (hereinafter referred to as "Town") OF THE SECOND PART

WHEREAS:

RCMP is the owner of certain lands located at 217 Victoria Street, Amherst, Cumberland County, Nova Scotia and which are more particularly described in Schedule "A" attached, referred to as the "Lands" and;

The RCMP has agreed to sell the Lands to the Town for \$37,000.00, for a public purpose.

The Parties Agree as follows:

- 1 In order to effect the sale of the Lands, the Department of Justice shall cause a conveyancing document to be issued pursuant to Section 5(7) of the Federal Real Property Act wherein the RCMP shall grant unto the Town all the right, title and interest, of the RCMP in the Lands, any mines and minerals excepted.
- 2 If, on the Closing Date, Her Majesty is for any reason beyond Her control unable to grant or convey the Property, this Agreement shall terminate and the Town shall have no claim against Her Majesty for costs or damages of any kind, except for reasonable legal expenses and out-of-pocket expenses incurred.
- 3 The Town agrees to accept possession of the Lands in the condition it is in at the time of Closing; subject to the provisions of the Environmental Disclosure Agreement to be entered into by the parties on or before closing, a copy of which is attached as Schedule "B".
- 4 The Town represents and warrants that it has inspected the Lands or caused the Lands to be inspected on its behalf and have entered into this Agreement in reliance upon such inspection and not in reliance upon any representation whether oral, written, or implied and by whosoever made.
- 5 The Town agrees to provide the RCMP prior to issuance of the conveyance document referred to in paragraph 1, written documentation confirming the authority of the Town to enter into this agreement.
- 6 Upon issuance of the conveyance document referred to in paragraph 1, the Town shall be liable for all claims, actions, causes of action expenses and costs, for losses, damage, injuries or death on the Lands, resulting directly or indirectly from the ownership, occupation or use of the Lands.
- 7 The RCMP makes no representations or warranties expressed or implied as to the condition of the Lands, or as to the suitability of the Lands for any purpose.
- 8 In the event that the legal description of the property is not satisfactory for registration purposes, the Town at their own expense shall supply the RCMP with a registerable description. The Town shall bear the fees, levies or taxes in connection with registration of the conveyance document.
- 9 The Town shall be responsible to migrate title to the Lands prior to the closing.

AND WHEREAS there is a need to determine how inter-municipal cooperation can be achieved, how decisions can be made, and how decisions or recommendations made through cooperative discussions can be reviewed and approved by the parties;

AND WHEREAS the parties wish to formalize by Agreement, the arrangement which has been in effect;

WITNESSETH that in consideration of the mutual covenants hereinafter set out, the parties agree as follows:

1. Effective Date:

- 1.1 The parties acknowledge the creation of the Northern Region Solid Waste Resource Committee (NRWRC) effective January 1, 1999, to which each party belongs.

2. Representation

- 2.1 The Council for each Municipal Unit shall appoint one elected representative and one alternate to attend meetings of the Northern Region Solid Waste Resource Committee to address solid waste resource issues. The Council Representatives shall be the voting members.
- 2.2 In addition to elected representation Staff may attend meetings in an ex officio capacity without voting privileges.

3. Meetings

- 3.1 The Committee shall select from the elected members a Chairperson and a Vice-Chairperson to preside as Chairperson.
- 3.2 The Chairperson shall preside for a two (2) year term. Thereafter, and before the expiry of each Chairperson's term, the Committee shall elect a replacement Chairperson.
- 3.3 No Chairperson shall serve more than two (2) consecutive terms without interruption.
- 3.4 The Committee shall meet at least on a quarterly basis or as deemed necessary by the Chairperson or Vice-Chairperson or at the request of three (3) participating members.
- 3.5 Each meeting of the Committee shall be chaired by the Chairperson or Vice-Chairperson, or in their absence, a member selected at the meeting.
- 3.6 Meeting locations shall be on a rotating basis, as decided by the Committee.
- 3.7 Scheduled meetings of the Committee, require a quorum of five (5) Municipal Units being present, who represent more than 50% of the population (as per the latest census figures) of Northern Region. Decisions shall be by majority vote of elected officials representing the Region and who are present and voting at the time decisions are made.
- 3.8 Each Municipal Unit is allowed one vote.
- 3.9 Elected representatives must attend Northern Region Meetings. If the elected representative does not attend three consecutive meetings without leave of the Committee the Municipality will be asked to appoint a new representative.

4. Administrative Representatives

- 4.1 A group of administrative representatives as directed by the Committee may meet separately and apart or together with the elected representatives to consider the issues before the Committee and present the entire Committee of elected and appointed representatives with a prepared agenda for meetings and specific recommendations in relation to same.
- 4.2 Meetings of the administrative representatives, if held, may be held on a rotating basis, as decided by the Committee.
- 4.3 Each meeting of the administrative representatives shall be chaired by an administrator in the area where the meeting is being held or by any other method determined by the administrative representatives.

5. Funding

- 5.1 Funding currently available from the Province for Regional Coordinators shall be directed to the host of the Regional Coordinator position, during the period of the Committee's existence. The position shall rotate between Cumberland Joint Services Management Authority, Colchester Solid Waste Resource Management, and the Municipality of East Hants. The Regional Coordinator position and funding rotates every two years. The committee will describe the role of the Regional Coordinator by resolution passed from time to time.
- 5.2 The participating Authorities/Municipalities will each assign an employee as the Waste Reduction Coordinator for the purposes of liaising with the Resource Recovery Fund Board Nova Scotia (RRFB) on behalf of their participating units.

6. Independent Discussions

- 6.1 Each party shall have the right to enter into independent discussions and agreements without being restricted as a result of participating formally in the Northern Region Solid Waste Resource Committee.

SIGNED, SEALED AND DELIVERED

- 4.6 Digital Sign for Stadium, RFD#2010088 M-1009-08
Moved by Councillor Bird, seconded by Councillor Baker that Council approves the purchase of a LED Matrix Three Colour Display Sign from Hansen Signs for the amount of \$34,463 plus HST.**

MOTION CARRIED

Council asked staff to look into ensuring the height of the sign is adequate to ensure it is not affected by vandalism. Further, staff will develop a criteria for alternate uses of this sign.

- 4.7 Funding Request: Fibre Arts Festival, RFD#2010089 M-1009-09
Moved by Councillor March, seconded by Deputy Mayor Rhindress that Council approves funding in the amount of \$500 in support of the 3rd Annual Fibre Arts Festival in accordance with the Town's Festival and Event Policy.**

MOTION CARRIED

5. INFORMATION / DISCUSSION ITEMS

5.1 Four Fathers Festival Update

Councillor Angel presented the following update on the Four Fathers Festival:

The 2010 edition of the Four Fathers Festival took place from July 1st – 4th this year and included a new location and some changes to the program. This year the festival tent was located in the Ratchford Street parking lot with most entertainment taking place there. Additions to this year's program included:

- Entertainment before the Canada Day fireworks at Robb's field
- A joint effort with the Jr. Ramblers, CKDH, Labatts and the Town of Amherst for a 19+ fundraising event at the Amherst Stadium
- Events for youth aged 12-17 in the community sponsored by the Youth Advisory Committee
- The addition of a youth race to the Cross Border Challenge program
- A theatrical performance written and performed especially for the Four Fathers Festival by Dale Fawthrop
- The creation of a "Great Amherst Song Contest" by the Amherst and Area Chamber of Commerce

Overall, events at the Four Fathers Festival were well received. With the summer being a busy time for all, the committee decided to meet in late September to discuss the outcomes of this year's activities and look at recommendations for change that would enhance the overall program.

5.2 Fund Raising Report

Councillor March presented the following update on fund raising efforts:

The following is a fund raising report for the Skateboard Park Project and the Dickey Park Redevelopment Project as of September 14, 2010.

Skateboard Park Project

• Donations	\$ 3,450
• Fund Raising	
o Car wash	735
o Much Music Video Dance	<u>525</u>
Balance of funds raised to date, Skate Park Project	\$ 4,710

Dickey Park Redevelopment Project

• Donations	\$ 100
• Net Generator Raffle Proceeds to date	1,860
• Barbecue – CANSA Event	259
• Barbecue – Kent Building Supplies	<u>79</u>
Balance of funds raised to date, Dickey Park Project	\$ 2,298

TOTAL FUNDS RAISED TO DATE \$ 7,008

6. STRATEGIC PRIORITIES

6.1 Dickey Park Redevelopment – Status Report

Councillor Baker presented the following project status report on Dickey Park Redevelopment:

ABC Recreation Ltd. has begun the work on the splash pad in the Park. Elements have arrived on site and infrastructure work needed, including preparing the surface, piping, controls etc. are nearing completion.

Town staff are completing the water and control building and we expect that all work will be finalized by the end of September. Staff will address landscaping around the splash pad and it will be ready for full operation in the spring of 2011.

Fund raising efforts continue for other components of the park including picnic tables, barbeque pits, outdoor stage and outdoor exercise equipment.

6.2 Town Beautification – Status Report

Deputy Mayor Rhindress presented the following project status report on Town Beautification:

1. A Town Beautification Strategy was developed by Staff and presented to Council last summer.
2. Two projects from this strategy were implemented: (a) adopt a garden (b) entrance beautification.
3. Two new Town entrance signs were placed at both entrances into Town from the Trans Canada Highway.
4. Four curb islands on South Albion Street were planted with new vegetation.
5. Crosswalks on Havelock Street were painted with unique designs.
6. A draft Vacant Building Bylaw was developed and continues to be worked on.
7. A new Dangerous and Unightly Premises policy and procedure were developed and approved.
8. A new Building Inspector / Dangerous or Unightly Premises Administrator was hired.

7. INTERNAL COMMITTEE REPORTS

7.1 Planning Advisory Committee – Nil Report

7.2 Amherst Board of Police Commissioners - Nil Report

7.3 Dangerous or Unightly Premises Committee - Nil Report

7.4 Youth Advisory Committee

Mayor Small presented the following Youth Advisory Council report:

The Youth Advisory Council (YAC) members were extremely satisfied with their organization of youth events during the Four Fathers Festival. While YAC did not formally meet during July or August, members that are skateboard enthusiasts have been actively participating in feedback on the proposed skate park designs.

According to YAC terms of reference there are 12 available positions. Therefore, four positions are currently available. Recruitment will occur within the schools and applications will be accepted until the October 4. Advertisements will be placed in the Amherst Daily News, on the Town's web page and on the YAC facebook page requesting interested youth to apply.

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

Councillor Angel presented the following report on behalf of the Cumberland Regional Library Board:

Downloadable Audio books & E-books

Check out our new collection of downloadable audio and e-books on the library's webpage (www.crl.library.ns.ca). Using your library card you can listen to books on your computer or MP3 player or read a book on your e-reader, ALL FOR FREE. Since July over 180 items have been borrowed using this service.

Summer Reading Club

This summer saw more than 380 kids and 41 teens throughout Cumberland County reading as part of our Summer Reading Program. The kids read more than 2,800 books and the teens read for over 1,200 hours. Also this summer, the library ran its first ever Just for Adults – Summer Reading Club. Seventy adults took part County wide and submitted 308 ballots. Prizes ranged from Jost gift certificates to car wash kits. It is sure to be even more successful next year. These programs would not be possible without the many contributions of many local companies and organizations.

Statistics

In the months of June and July the Cumberland Regional Library signed out almost 25,000 items to residents of Cumberland County, that includes books, magazines, movies, TV shows and more.

Coming Soon

Look for the return of C.A.R.T (Children and Adults Reading Together), a popular pre-school program that teaches children the fundamentals of reading and their parents or guardians ways to incorporate literacy into everyday activities. For more information about C.A.R.T contact your local branch.

8.2 CREDA - Nil Report

8.3 DARS

Councillor Baker had a verbal update advising Council that a DARS meeting was held last week. They are looking at various options for a wi-fi district for the downtown.

8.4 CJSMA

Deputy Mayor Rhindress presented the following report on behalf of the Cumberland Joint Services Management Authority:

Michelle Canfield has been hired as our new Enforcement Officer. Michelle will be doing curbside audits of waste in order to identify, among other things, targeted education areas in order to improve our diversion rates. Michelle will also be dealing with the commercial sector in order to help them improve their diversion rates. This position is partially funded by the Province, however CJSMA will bear some costs.

CJSMA would like to form a committee of all municipal units to implement some of the recommendations in the recently completed solid waste report commissioned by CJSMA.

8.5 Northern Region Waste Resource Committee

Councillor Baker presented the following report on behalf of the Northern Region Waste Resource Committee:

A meeting of the Northern Region Solid Waste Resource Committee was held on September 16 at the ED Fullerton Municipal Building in Upper Nappan. No significant new business was discussed. However, updates from around the region were provided, outcome reports on the MAP funding programs were requested, and an update of the Regional Chairs meeting was provided.

8.6 Cooperation Committee - Nil Report

8.7 Airport Committee - Nil Report

8.8 Amherst and Area Chamber of Commerce

Councillor Bird presented the following report on behalf of the Amherst and Area Chamber of Commerce:

The new executive assistant for the Chamber is Patti Colson.

Please be advised that effective immediately Karen Royal is no longer working with the Chamber of Commerce.

Nominations for the 2010 Excellence Awards are now open with the awards being presented on October 21st at the Excellence Awards Gala. This event celebrates local businesses that have done an outstanding job and deserve acknowledgement. Nominations can come from anywhere, the public, your friends, even your own employees. This event is sponsored by, the Amherst & Area Chamber of Commerce (AACC), Nova Scotia Community College (NSCC), Community Business Development Corporations (CBDC).

These awards are open to all businesses in the Amherst area. This year's winners will represent some of the finest examples of businesses within our town that are living proof that we are able to invest, innovate and grow a thriving and successful business community. We encourage your participation, and invite you to join us to celebrate the contributions made by these successful entrepreneurs.

Excellence in Customer Service

Excellence in Community Service

Innovation Award

Young Entrepreneur Award

Business of the Year Award (awarded for overall excellence in business practice)

More details regarding this event will follow soon; keep up to date by checking on our website at www.amherstchamber.ca.

Small Business Week October 18th to 22nd. This year's theme is "Power up your Business, Invest, Innovate, and Grow"

The Community Strengths Marketing Project is a Job Creation Partnership sponsored by The Board of Directors for the Amherst and Area Chamber of Commerce, Nova Scotia Community College – Cumberland Campus and the Cumberland Business Development Corporation. This two part project has provided an opportunity for a Membership Service Coordinator, Kim Ripley and an Educational Coordinator, Miranda Wolfe to gain valuable work experience, further enhancing their employability through the development of skills and experience in networking, customer service, information management, report writing and presentations. The project will be a 30 week project concluding April 2011.

Miranda Wolfe is the newly appointed Chamber Education Coordinator. Her role is to promote awareness of all the educational opportunities within the community.

Kim Ripley is the new Membership Service Coordinator working under a Joint Creation Partnership; Community Strengths Marketing Project. This exciting new project is an opportunity to make every business in the area aware that through the Chamber there are opportunities to create beneficial partnerships, opportunities to learn, and the opportunity to be part of a united body, stimulating solutions to the many challenges we face as a border community. It is my objective to assist the Amherst & Area Chamber of Commerce increase in numbers, in strength, and in sheer presence so that all our people see Amherst as the place to shop, learn and grow.

8.9 VON

9. MAYOR'S COMMENTS

Mayor Small commented that it has been a busy summer for staff with a lot of projects and constructions going on. He said he has received a lot of feedback on these projects. He extended best wishes for the upcoming Fibre Arts Festival. He announced that Council will not be making any changes to the date of Halloween. He thanked Eastlink for continuing to cover council meetings.

10. ADJOURNMENT

On motion by Deputy Mayor Rhindress the meeting adjourned at 7:45 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		
3.	CALL TO ORDER	Presenter	Page
3.1	Additions to Agenda		
3.2	Approval of Agenda	Baker	
3.3	Approval of Minutes	Rhindress	2
4.	REQUESTS FOR DECISION	RFD#	
4.1	Funding Request – Amherst Intermediate Baseball	2010082	Angel 34
4.2	Arts Coordinator – MOU between the Town and CREDA	2010083	Fawthrop 38
4.3	LED Street Light Conversion	2010084	Bird 43
4.4	Purchase & Sale Agreement – Former RCMP Property	2010085	Rhindress 46
4.5	Northern Region Solid Waste Agreement	2010087	Baker 55
4.6	Digital Sign for Amherst Stadium	2010088	Bird 62
4.7	Funding Request – Fibre Arts Festival	2010089	March 65
5.	INFORMATION / DISCUSSION ITEMS		
5.1	Four Fathers Festival – Update	Angel	70
5.2	Fund Raising Report	March	71
6.	STRATEGIC PRIORITIES		
6.1	Dickey Park Redevelopment – Project Status Report	Baker	72
6.2	Town Beautification – Project Status Report	Rhindress	73
7.	INTERNAL COMMITTEE REPORTS		
7.1	Planning Advisory Committee	Nil report	--
7.2	Amherst Board of Police Commissioners	Nil report	--
7.3	Dangerous or Unsightly Premises Committee	Nil report	--
7.4	Youth Advisory Council	Small	74
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	Angel	75
8.2	CREDA	Nil report	--
8.3	DARS	Nil report	--
8.4	CJSMA	Rhindress	76
8.5	Northern Region Solid Waste	Baker	77
8.6	Cooperation Committee	Nil report	--
8.7	Airport Committee	Nil report	--
8.8	Amherst and Area Chamber of Commerce	Bird	78
8.9	VON	Nil report	--
9.	ADJOURNMENT		