Minutes of a Regular Meeting of Amherst Town Council Held in Council Chambers Monday, March 28, 2011 at 7:00 PM

PRESENT: Mayor Robert Small

Deputy Mayor George Baker Councillor Robert Bird Councillor Dale Fawthrop Councillor David March Greg Herrett, CAO

REGRETS: Councillor Robert Angel

Councillor Terry Rhindress

ATTENDING: Jason MacDonald, Director of Planning and Engineering

Vince Arbing, Treasurer

Roger MacIsaac, Director of Community and 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 - N/A

3.2 Approval of Agenda

M-1103-07

Moved by Deputy Mayor Baker, seconded by Councillor March to approve the agenda as circulated.

MOTION CARRIED

3.3 Approval of Minutes

M-1103-08

Moved by Deputy Mayor Baker, seconded by Councillor Fawthrop to approve the minutes of the following meeting as circulated:

- February 28, 2011 Regular
- March 4, 2011 Special
- March 16, 2011 Special

MOTION CARRIED

4. REQUESTS FOR DECISION

4.1 <u>By-law at 1st Reading: D-20 Solid Waste By-law, RFD#2010135 M-1103-09</u>
Moved by Councillor Fawthrop seconded by Councillor March that Council approve 1st
Reading of the new Solid Waste By-law.

MOTION CARRIED 4-1 NAY: Deputy Mayor Baker

Town of Amherst Solid Waste By-Law

1. This By-Law is entitled the "Town of Amherst Solid Waste By-Law" and is developed in accordance with *the Municipal Government Act 1998, Chapter 18, Section 325.*

Definitions

- 2. In this By-Law:
 - (1) **"backyard composting"** means composting at a residential premise of organic solid waste comprised of yard waste and food scraps and spoiled or waste food or foodstuff excluding meat, fish, eggs or dairy products where:
 - (i the waste is generated by the residents of the residential premise;
 - (ii the annual production of compost on any property lot does not exceed 2 cubic meters;

- (iii the composter or compost pile is not located within 15 meters of any window or door of a structure on an adjacent property;
- (2) "biomedical waste" means and is limited to carcasses of animals exposed to pathogens, disease waste, cultures and stocks, human blood and blood products, pathological waste, sharps waste, and other waste determined to be infectious;
- "CJSMA" means the Cumberland Joint Services Management Authority or its (3)successors who manage the operation of the Cumberland Central Landfill in Cumberland County;
- "collector" means any person or corporation collecting solid waste in the Town for gain or profit licensed in accordance with section 7 of this by-law;
- "Collector License" means a license to transport solid waste generated within the (5)Town of Amherst and issued by the Solid Waste Manager;
- "commercial container" means any container used for the storage of solid waste or (6)any container used for the storage of organic materials or recyclable materials originating from industrial, commercial, or institutional premises on properties located in the Town of Amherst for collection by a hauler;
- (7) "compostables/organics" 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;
- (8)"compost bin" means a wheeled aerated cart designed to be emptied by hydraulic lifting devices for the storage and municipal collection of compostables made available by or through the Town for that purpose;
- (9) "composting" means the nuisance-free biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free and safe storage and use in land applications;
- (10) "construction, demolition, and renovation debris" means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fiberglass fibers, gyproc, lumber, wood, asphalt shingles, and metals and such other materials as may be permitted from time to time by regulations of the Province of Nova Scotia for disposal at a disposal site for construction, demolition, and renovation debris;
- (11) "contaminated soil" means soil which
 - (i. has been contaminated with and contains in excess of 2,000 parts per million of total petroleum hydrocarbons; or
 - (ii. has been removed from a site because of actual or suspected contamination pursuant to a requirement or order of the Nova Scotia Department of Environment;
- (12) "contamination" generally refers to any item which is not acceptable in any given source-separated stream according to the definition of that stream. In the case of recyclable materials, contamination also refers to recyclable items which may be soiled or dirty, which renders such items non-recyclable;
- "Council" means the council for the Town of Amherst; (13)
- (14) "curb" means that portion of the public street right-of-way between the traveled portion of the street and the property line which parallels the street center line;
- "Cumberland Central Landfill" means the solid waste processing and disposal complex at Little Forks which includes a sanitary landfill, a recycling plant, a compost processing facility, leachate treatment facility, leaf and yard waste area, contaminated soils area, a metal salvage area, and a demolition debris disposal site;
- (16) "Enforcement Officer" means the person appointed by the Town to be the Enforcement Officer or their designate.

- (17) **"hazardous waste"** means waste that may be harmful to humans, animals, plant life or natural resources including, but not restricted to, industrial chemicals, toxic, flammable, corrosive, radioactive, reactive, pathological and PCB waste, oil, gasoline, paint solvent, wood preservatives, ink, battery acid, pesticides and insecticides;
- (18) "hospital and pharmaceutical waste" means waste generated at hospitals, clinics, pharmacies, veterinary clinics, dentist offices and includes used needles, drugs, dressings, excluding pathological waste;
- (19) **"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 <u>Assessment Act, R.S.N.S. 1989, c.23</u>;
- (20) "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;
- (21) "landfill" means a landfill site chosen by the Town by resolution;
- (22) **"owner"** means:
 - (i. a part owner, joint owner, tenant in common or joint tenant of the whole or any part of the 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;
- (23) "pathological waste" means any part of the human body excepting hair, nail clippings and the like, any part of a dead animal infected with a communicable disease, and non-anatomical waste infected with a communicable disease;
- (24) "premise" means any building or property in the Town;
- (25) "public education documents" includes newspaper or radio advertisements, newsletters, pamphlets, flyers or other material circulated by mail or delivery by or for the Town, CJSMA, the Nova Scotia Department of Environment or the Nova Scotia Resource Recovery Fund Board;
- (26) **"reactive waste"** means a waste that reacts violently with water or is readily capable of detonation or explosive reaction including calcium carbide;
- (27) "recyclable material" means corrugated cardboard, newsprint, bond paper, glossy flyers and magazines, egg cartons, box board, computer paper, redeemable beverage containers, steel, tin or aluminum food containers or cans, glass food containers, jars and bottles, low density polyethylene bags and packaging, high density bags, containers and packaging, polycoat containers for milk, milk products, soya milk, concentrates or other liquids or powders, tetrapacks and any such other items as may, from time to time, be identified in public education documents distributed by the Town or CJSMA as suitable for municipal general recyclable material collection;
- (28) "redeemable beverage container" means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it, other than a container for milk, milk products, soya milk or concentrates;
- (29) "residential premises" includes single family dwellings, duplexes and apartment buildings with three dwelling units or less, but does not include a motel, hotel or inn;
- (30) **"residential solid waste"** includes compostables, recyclable materials and residual waste generated at a residential premise;
- (31) **"residual waste"** means waste other than:
 - (i. recyclable material;
 - (ii. compostables;
 - (iii. construction, demolition, and renovation debris, pathological waste, reactive waste, septic waste, hospital and pharmaceutical waste, contaminated soils, friable asbestos, leaf and yard waste, sharps waste, white goods, or other material identified in this by-law as to be placed for collection only upon special collection dates;

- (iv. notwithstanding subparagraphs (i and (ii hereof, residual waste may include compostables or recyclable materials to the extent separation of compostable and recyclable material was not reasonably possible for the waste generator because of the fusing or bonding together of materials in the state in which the waste generator received them or because of the reasonable cross-contamination of materials in the ordinary course of use by the waste generator if such contamination was unavoidable by the exercise of due diligence by the waste generator;
- (32) "scrap metal/white goods" includes items such as washers, dryers, dishwashers, stoves and refrigerators;
- (33) "septic waste" means the liquid and solid material removed from septic tanks, sewage treatment plants, and manholes, cesspools, privies and portable toilets;
- (34) "**sharps waste**" means hypodermic needles, syringes with needles attached, IV tubing with needles attached, dental scalers, scalpel blades, and lancets that have been removed from the original sterile package.
- (35) "solid waste" includes recyclable material, compostables, and residual waste, construction, demolition, and renovation debris, leaf and yard waste, contaminated soils and any other waste or discarded tangible personal property;
- (36) "Solid Waste Manager" means the Solid Waste Manager of the CJSMA.
- (37) "stream" means waste of the same kind being:
 - (i. compostables;
 - (ii. recyclable material;
 - (iii. residual waste;
 - (iv. construction and demolition debris;
 - (v. contaminated soil;
 - (vi. solid waste of any type which is not acceptable 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;
- (38) "Town" means the Town of Amherst;
- (39) "unacceptable materials" shall be defined of as materials not accepted for disposal at the Cumberland Central Landfill, this includes but is not limited to biomedical waste and household hazardous waste;
- (40) "yard and leaf waste" means vegetative matter resulting from gardening, horticulture or landscaping, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter.

Source Separation

- 3. Owners and occupants of property in the Town shall separate solid waste at the time of generation, and provide storage, placement for collection and disposal into uncontaminated separate solid waste streams as follows:
 - (1) compostables;
 - (2) recyclable materials;
 - (3) residual waste;
 - (4) construction, demolition, and renovation debris;
 - (5) contaminated soil;
 - (6) solid waste of any type which is not accepted at a municipal solid waste management facility, each such type in its own stream; and
 - (7) 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, each such type in its own stream.

RESIDENTIAL SECTOR

Residential Solid Waste Disposal

- 4. Except for the placement of solid waste for collection in accordance with this by-law, no person shall deposit, cause to be deposited or permit to be deposited solid waste at any place in the Town provided, however, that:
 - (1) backyard composting carried out in such manner as not to constitute a nuisance is permissible;
 - (2) no person shall place, cause to be placed for collection any solid waste that is not separated as required by section 3 of this by-law or which is falsely or misleadingly presented or packaged as solid waste of a particular kind, type, stream or place of origin or which is concealed within or intermingled with solid waste of another kind, type, stream or place of origin;
 - no householder in the Town shall permit the accumulation of solid waste in or around the property to the extent that it is or is likely to become a nuisance, unsightly or a hazard to public health;
 - (4) subject to statutes, regulations, or laws of the Province of Nova Scotia or Canada to the contrary, the unconcentrated disposal of waste trees, brush or portions thereof or other organic farm or forestry waste by decay on forest or farm land is permitted; and
 - (5) subject to statutes, regulations, or laws of the Province of Nova Scotia or Canada or other by-laws of the Town to the contrary, the nuisance-free disposal of aggregate, soil, bricks, mortar, concrete, asphalt pavement, porcelain or ceramic materials as fill is permitted.

Municipal Residential Collection

5. Council may, by resolution, provide for municipal collection of solid waste by a contractor in some or all areas of the Town and, for greater certainty and without limiting Council's discretion to use different collection classifications, Council may limit collection to particular types of solid waste, to properties containing not more than a specified number of residential households, and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste, and may provide different collection services for any different class of waste generator.

Solid Waste Collection

- 6. Except to the extent authorized by contract with the Town or by public education documents distributed from time to time, including but not restricted to public education documents or notices published in connection with special collection days, persons placing solid waste for collection shall comply with the following:
 - (1) the frequency and schedule of collection of residential solid waste within the Town shall be determined by resolution of Council;
 - (2) all solid waste shall be placed for collection within three meters of the curb, placed in such a manner as to interfere as little as possible with pedestrian traffic and snow removal;
 - (3) residual waste shall be placed for collection in securely tied, transparent, colourless plastic disposable water-proof bags of a dimension not smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than six [6] such bags per residential premises shall be placed for collection on any one collection day;
 - (4) general recyclable materials shall be placed for collection in securely tied, transparent plastic disposable water-proof bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag. Not more than six [6] such bags or bundles per residential premises shall be placed for collection on any one collection day;
 - (5) the collection of organic materials (compostables) shall be subject to the following conditions or such further conditions as the Town may establish by resolution:
 - (i. each residential premises shall have a compost bin as approved by the Town in which organics are to be placed for collection;

- (ii. the compost bins are the property of the Town. The owner of the residential premises shall be responsible to ensure that such bins are kept secure on their premises and are kept in good repair;
- (iii. storage of food scraps and spoiled or waste food or foodstuff, except as disposed of by backyard composting, shall be removed from every property by the occupant no less than once every two weeks and disposed of according to this by-law;
- (iv. Leaf and yard waste placed for collection shall, in the case of leaves, be placed in compostable/paper bags of a dimension no smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag and not more than 10 such bags per residential premise shall be placed for collection on any one collection day. Brush and tree branches shall not exceed 1.5 m in length or 25 kg in weight and individual limbs shall have a diameter not exceeding 5 cm in diameter.
- (6) bulky items placed for special collection shall not exceed 50 kg in weight for any one item or 150 kg for all items for any one residential premise on any one special collection day and no individual item shall measure greater than 2.0 meters in any dimension;
- (7) except to the extent authorized by contract with the Town or by public education documents distributed from time to time, no person shall place for collection:
 - (i. hazardous waste;
 - (ii. hospital and pharmaceutical waste;
 - (iii. pathological waste;
 - (iv. asbestos;
 - (v. septic waste;
 - (vi. hot or dry ashes;
 - (vii. dead animals;
 - (viii. industrial waste, including non-residential farm, forestry or fishing waste;
 - (ix. tires
 - (x. waste generated outside the Town;
 - (xi. other materials or solid waste as may be identified as unacceptable for collection in public education documents distributed from time to time.

(8) <u>Scavenging</u>

- (i. no person shall pick over, interfere with, disturb, remove or scatter any waste or bundled article placed out for collection, whether in a concealed container or otherwise;
- (ii. no person shall permit or suffer any animal owned or harbored by him or under his control to pick over, interfere, disturb, eat, remove or scatter any waste placed out for roadside collection;
- (iii. except as authorized by the Town, no person shall remove recyclable material or other solid waste placed or apparently placed for municipal collection by waste generators, owners or occupants and all recyclable materials are the property of the Town from the moment of placement for municipal collection. Nothing in this section relieves an owner or occupant from the duties set out in subsection [(12)] of section [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;
- (9) no person shall place solid waste for collection on a property other than solid waste generated on that property;
- (10) no person shall place waste from premises other than residential premises on municipal property for collection or other reason without written permission from the Town;
- (11) waste refrigerators and freezers shall either be stored inside or enclosed, locked a child-proof building or shall have their doors removed from the appliance;
- (12) solid waste containers, compost carts, uncollected waste and any waste scattered by animals, pests or weather shall be removed by the householder from the place where such solid waste was placed for collection not later than midnight on the day of collection.

Solid Waste Collection

7. Only the contractor hired by the Town is permitted to collect solid waste put out for municipal curbside collection from residential premises in Amherst.

Special Collections

8. Council may, by resolution, provide for special municipal solid waste collections on an occasional basis or may provide for municipal collection from a drop-off site, of particular types of solid waste, such as discarded Christmas trees, bulky items not eligible for regular municipal collection, household hazardous waste or other specified solid waste, and may limit such special collection in particular areas of the Town, to properties containing not more than a specified number of residential households and/or to commercial solid waste generators of a particular type or size or generating not more than a specified volume of solid waste.

Solid Waste Containers

- 9. The owner and occupant of every property in the Town shall provide sufficient and adequate receptacles or containers for solid waste which may accumulate from time to time on the property, and, without limiting the generality of the foregoing:
 - (1) food scraps and spoiled or waste food shall be stored in compost bins or in other receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents and which are designed to avoid the entrapment of children;
 - (2) compost bins or other receptacles or containers used for storage of food scraps and spoiled or waste food shall not be placed or kept within 2 meters of a window or door situated on an abutting or adjacent property;
 - (3) recyclable material and residual garbage shall be stored inside buildings or in receptacles or containers that are water-proof, impervious to domestic and wild animals and rodents, and which are designed to avoid the entrapment of children.

INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL SECTOR (IC&I)

Industrial, Commercial, Institutional Solid Waste Disposal

- 10. (1) Owners and occupants of properties in the ICI Sector which generate the following waste shall, either personally or by employees, contractors or agents and in compliance with all applicable federal, provincial and municipal laws, remove and dispose of such waste:
 - (i. all solid waste generated by any industrial, commercial or institutional premises, facility or operation;
 - (ii. all solid waste resulting from construction of any kind, including renovation or repair;
 - (iii. all solid waste resulting from the demolition of a building or structure.
 - (2) The Town, by contract with solid waste generators in the ICI Sector, may provide collection of solid waste and may, in such contract, vary any of the limitations or restrictions applicable to general municipal collection as set out herein.
 - (3) The property owner of an industrial, commercial, or institutional property shall ensure that:
 - (i. adequate space is provided on the property to accommodate containers for the collection of source-separated residual waste, organic materials and recyclable materials generated at the property;
 - (ii. where food is consumed on site, receptacles must be present to accommodate the collection and separation of residual waste, organic material, and recyclable materials for people disposing of such material;
 - (iii. signage clearly defined for the sorting of recyclables, organic materials and residual waste is to be located within three [3] meters of the commercial container(s);
 - (iv. where industrial, commercial or institutional properties have a chute, signage is required to be posted on every floor where access to a chute is provided to instruct tenants to the location of commercial containers for residual waste, recyclables, and organic materials.

- (4) The occupant of an industrial, commercial or institutional property shall:
 - (i. source separate all waste generated in the occupant's unit or portion of the building at the point of generation into residual waste, organic material, and recyclable material, so as to comply with provincial disposal bans and to facilitate their recycling, composting, or disposal in accordance with the Town's waste resource management system; and
 - (ii. place for collection source separated material in containers in accordance with Section 12 at the storage areas on the property as designated by the property owner.
 - (iii. place all residual waste in securely tied, transparent, colourless plastic disposable water-proof bags of a dimension not smaller than 60 cm X 80 cm, nor greater than 100 cm X 150 cm, and shall not exceed a weight of 25 kg per bag.
 - (iv. where food is consumed on site, clearly label bags of solid waste generated and sorted by consumers of such food, with identifying labels or markers provided by the Solid Waste Manager for this purpose.

Commercial Containers

- 11. (1) Any person who makes use of a commercial container for the temporary storage of waste shall ensure that such commercial container:
 - (i. is sturdily constructed of weather-proof and animal-proof material, and is capable of containing the material deposited within;
 - (ii. has displayed thereon the name and telephone number of the owner of the container and the type of material to be deposited therein;
 - (iii. has displayed thereon the following message "GARBAGE" or "WASTE" where residual waste is to be deposited in the commercial container;
 - (iv. has displayed thereon the following message "ORGANICS" where organic materials are to be deposited in the commercial container;
 - (v. has displayed thereon the following message "RECYCLABLES" where recyclables are to be deposited in the commercial container;
 - (vi. where it is not possible to display the appropriate messages as outlined in this subsection directly on the commercial container, then appropriate signage shall be posted within 3 metres of the commercial containers with the message indicating the materials to be deposited therein, and
 - (vii. any message required by this section shall use lettering that is not less than 10 centimetres in height and 4 centimeters in width;
 - (viii. is equipped with a lid with a positive closing device which shall be kept closed except when the container is being loaded or unloaded;
 - (ix. is cleaned regularly and periodically, as necessary to avoid the build-up of odours;
 - (x. where tenants are required to place materials in the container, the container shall be designed and situated to be reasonably accessible for this purpose.
 - (2) The owner of any premises on which a commercial container is placed shall ensure that:
 - (i. where possible, any such container is kept behind or beside the building which it serves;
 - (ii. if kept in front of the building due to lot size and/or property configuration, such container is located at least six (6) meters from the front property line;
 - (iii. any such container is reasonably screened so as not to be visible from any street; and
 - (iv any such container is kept in a manner that is not unsightly and does not cause a nuisance or health-related problem.

- (3) No person shall place a commercial container on any public street within the Town without the written permission of the Town Engineer.
- (4) The owner of any premises upon which a commercial container is located shall be responsible to:
 - (i. keep the area surrounding any such container free from litter and waste;
 - (ii. cause any such container to be emptied at least once in every seven (7) days or more frequently if the container becomes filled before the seven day period elapses unless the material is of a nature such that longer storage will not cause a nuisance or health related problem (e.g. dry or inert type materials, recyclable material, scrap metals, etc.);
 - (iii. to ensure that any such container is loaded uniformly and is loaded such that waste material is completely contained within the container when closed.
- (5) The owner of any industrial, commercial, or institutional premises shall ensure that commercial containers on the premises:
 - i) accommodate source separated waste generated at that location;
 - ii) are designed and constructed such that the waste (residual waste, organic materials recyclable materials) remains in a source separated condition; and
 - iii) are easily accessible to the occupants.
- (6) The owner of any industrial, commercial or institutional premises may make use of aerated organics containers specifically designed and approved for the storage and collection of source-separated organic materials from industrial, commercial or institutional premises provided the owner complies with the other applicable requirements of this Section 11.
- (7) Bulk commercial containers used during construction or repair work need not comply with paragraphs 11. (1) and 11. (2) of this by-law for temporary period of not more than six (6) months or until the completion of the construction or repair work, whichever is sooner.

GENERAL

Inspections

- 12. Where an inspection is required or conducted pursuant to this By-Law;
 - (1) the Enforcement Officer may enter in or upon land or premises at a reasonable time without a warrant:
 - (2) except in an emergency, the Enforcement Officer shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and
 - (3) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the Enforcement Officer in the exercise of a power granted pursuant to this By-Law, the Enforcement Officer may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the Enforcement Officer entry to the building, and
 - (ii) restraining a person from further interference.
 - (iii) to recover all costs associated with any such order.

Solid Waste Collectors

13. No person shall engage in the business of collection or transporting solid waste generated within the Town of Amherst, nor shall they deposit solid waste at the Cumberland Central Landfill unless the person holds a current Collector License from the Town of Amherst for that purpose, obtained or renewed before March 31 in each calendar year.

- 14. The application for a Collector's License shall be made in writing, in duplicate, on such form as may be specified by the Solid Waste Manager from time to time, and signed by the person applying therefore. Every application for a Collector License, including each annual renewal, shall contain the following information:
 - (1) the name, address and phone number of the applicant;
 - (2) the provincial motor vehicle registration number and description by make, model, and year of any vehicles to be used by the applicant in connection with the collection or transportation of solid waste in the [municipality];
 - (3) a description of the types of solid waste for which a Collector License is sought;
 - (4) an annual license fee as determined from time to time by Council.
- 15. Licensed collectors shall use collection and transportation equipment which:
 - (1) is insured for third party liability in such amount as may be required from time by the Solid Waste Manger or as listed in tender documents;
 - (2) is registered under the Motor Vehicle Act and which complies with all provisions of that Act or of any other applicable statute or regulation in effect from time to time;
 - (3) is driven by an operator with a valid operator's permits of the requisite class for that type of vehicle;
 - (4) is designed and utilized in a manner which prevents any solid waste or liquid waste from falling out, being spilled, blown or scattered from the vehicle during collection or transportation and, in particular:
 - (i) must be equipped with a tailgate or other restraining device which shall be closed while the vehicle is in motion;
 - (ii) must be equipped with a cover, tarpaulin or other adequate protective device to prevent littering during collection or transportation of solid waste;
 - (5) if used in the collection of more than one type of solid waste, be designed, constructed and used in such a manner as to prevent cross-contamination between different solid waste streams;
 - (6) displays the name of the Licensed Collector in characters not less than 2.5cm in height;

16. Licensed collectors shall:

- (1) refuse collection of solid waste which is not separated or otherwise placed for collection in accordance with the requirements of this by-law;
- (2) haul in separate loads of solid waste collected in different municipal units, except as may be expressly authorized by the Solid Waste Manger;
- (3) comply with the provision of this by-law, including but not restricted to those concerning the placement or deposit of solid waste at municipal solid waste management facilities;
- (4) attend courses or training seminars, as stipulated from time to time by the Solid Waste Manger regarding the collection and transportation of solid waste, the use of solid waste management facilities and the public education of solid waste generators;
- (5) comply with any directives or restriction on collection or transportation routes, or the timing, procedures or methods to be utilized in connection with the collection or disposal of solid waste at a municipal solid waste management facility as may be specified by the Solid Waste Manager from time to time;
- 17. The Solid Waste Manger may refuse to issue or renew or may revoke or suspend a Collector's License for breach of the by-law or of the terms or conditions of a License. The Solid Waste Manger may suspend a Collector's License on reasonable and probable grounds without hearing or notice in the event of a willful breach of the by-law or a loss or apparent loss of vehicle/driver licensing, registration of insurance, in which event an interim suspension shall remain in effect for a period of up to 30 days pending a hearing. In all other instances, a refusal to issue or renew or a revocation or suspension of the license shall only by made by Council after convening a hearing.

Prohibitions

- 18. No person shall export or remove solid waste material generated within the Town of Amherst outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County and in accordance with this by-law.
- 19. For the purpose of Section 18., solid waste means solid waste materials including but not limited to residual waste, industrial/commercial/institutional waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from industrial, commercial, and institutional premises, pathogenic or biomedical waste, hazardous waste materials.

Enforcement and Penalty

- 20. Proof that solid waste that was deposited or placed somewhere in contravention of this by-law originating from a particular person shall be evidence that the person so deposited or placed it, or caused or permitted it to be so deposited or placed, in the absence of evidence to the contrary.
- 21. Any person who contravenes any provision of this by-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$5000 and to imprisonment of not more than 60 days in default of payment thereof.
- 22. Each day that a person commits an offence under this by-law constitutes a separate offence.

Solid Waste Disposal

- 23. It is the policy of the CJSMA that all materials brought for disposal to the Cumberland Central Landfill are source separated at the time of generation as per Section 3 of this by-law.
- 24. No person shall place, cause to be placed or permit to be placed at , in or adjacent to a municipal solid waste management facility any solid waste when the facility is not open or when the operator or municipal staff of the municipal solid waste management facility refuses to accept a load or loads or items of solid waste.

Scavenging

25. No person shall remove material from the Cumberland Central Landfill without permission from Cumberland Joint Services Management Authority.

Inspection and Enforcement at Cumberland Central Landfill

26. Loads entering the Cumberland Central Landfill site will be inspected. Waste haulers and generators are advised that CJSMA reserves the right to reject non-compliant loads or portions of loads and to recover additional waste management cost incurred due to the improper disposal of non-compliant materials by haulers and/or generators.

In the event materials are not in compliance with regulations for disposal at the site not identified by the site owners and operators until dumping of the materials has commenced or has been concluded, the collector and the originator of such materials shall be responsible to immediately remove the non-compliant materials from the site.

Any waste hauler/generator disposing of solid waste at the Cumberland Central Landfill must provide a manifest upon request.

Repeal

27. The Town of Amherst Solid Waste By-law, D-20, approved by Council on April 22, 2002 with amendments dated February 24, 2003 and April 30, 2007 is hereby repealed.

4.2 Funding Amend Installment Billing Policy, RFD#2010134 M-1103-10 Moved by Councillor Bird, seconded by Councillor Fawthrop that Council amends the Installment Billing Policy, #3800-03, by removing the words "on a day to be determined by resolution of Council" from the first paragraph and replacing them with "on the 31st day of May. These interim tax bills will be issued during the month of April of each year."

MOTION CARRIED

INSTALLMENT BILLING POLICY, Number 3800-03

PURPOSE: To provide authority and guidelines for interim tax billing.

POLICY STATEMENT:

1. In each year, an amount of the last year's assessment times one half of the tax rate levied in the previous fiscal year shall be due and payable to the Treasurer on the 31st day of May. These interim tax bills will be issued during the month of April of each year.

00967

2. The rates and taxes levied against the property for the current fiscal year, less the payment made under Section 1 of this policy, shall be due and payable on a date to be determined by a resolution of Council.

4.3 Amend Salary Administration Policy, RFD#2010136

M-1103-11

Moved by Councillor Bird, seconded by Deputy Mayor Baker that Council approve a Cost of Living increase of 2.2% to all non-union salary grids effective April 1, 2011, (Appendices C, C-1, C-2, C-3, C-4) in accordance with the Town's Salary Administration Policy.

MOTION CARRIED

APPENDIX C

Job Level	Step 1	Step 2	Step 3	Step 4	Step 5
12	83,756	86,089	88,423	90,758	93,090
11	73,627	75,514	77,450	79,436	81,474
10	65,045	66,719	68,393	70,068	71,739
9	59,316	60,331	61,346	62,360	63,371
8	54,198	55,223	56,248	57,275	58,301
7	48,050	49,283	50,546	51,843	53,172
6	43,132	44,239	45,373	46,537	47,729
5	39,208	39,862	40,515	41,169	41,824
4	34,840	35,734	36,650	37,590	38,553
3	30,925	31,718	32,530	33,364	34,221
2	27,489	28,193	28,915	29,657	30,418
1	24,052	24,669	25,302	25,950	26,616

APPENDIX C-1

Job Level	Salary Amount			
	Stipend	\$12,530		
Mayor	Allowance for expenses incidental to the discharge of duties	<u>6,265</u>		
		<u>\$18,795</u>		
Deputy Mayor	Stipend	\$10,542		
Dopaty Mayor	Allowance for expenses incidental to the discharge of duties	5,270		
		<u>\$15,812</u>		
0 "		40.750		
Councillor	Stipend	\$9,752		
	Allowance for expenses incidental to the discharge of duties	<u>4,876</u>		
		<u>\$14,628</u>		

APPENDIX C-2

Non-Union Police Positions

Salary Amounts

Job Level	Effective April 1, 2011
Chief of Police	\$100,745
Deputy Chief of Police	\$90,838
Executive Assistant/ Dispatch Coordinator Police	\$48.020

APPENDIX C-3
Hourly Rate Grid - Casual

	Hourly Rate				
Job Title	Step 1	Step 2	Step 3	Step 4	Step 5
Casual Firefighter	15.29	15.55	15.82	16.09	16.35
Jail Guards	10.99	11.35	11.73	12.10	12.53
Canine Control Officer	10.99	11.35	11.73	12.10	12.53
School Crossing Guards	10.99	11.35	11.73	12,10	12.53
Ice Marshall	10.93	11.29	11.67	12.04	12.47
Other	Provinc	ial Minimum	Wage		

APPENDIX C-4

Hourly Rate Grid - Students

	Hourly Rate				
Job Title	Step 1	Step 2	Step 3	Step 4	Step 5
Planning Technician	12.78	13.29	13.80	14.31	14.82
Surveyor/Engineer Assistant	12.78	13.29	13.80	14.31	14.82
Tech Assistant	12.78	13.29	13.80	14.31	14.82
Accounting Clerk	10.99	11.50	12.01	12.52	13.03
Records Management Assistant	10.99	11.50	12.01	12.52	13.03
Maintenance & Park Worker	10.99	11.50	12.01	12.52	13.03
Physical Activity Coordinator	10.99	11.50	12.01	12.52	13.03
Youth Program Coordinator	10.99	11.50	12.01	12.52	13.03
Summer Secretary	10.73	11.24	11.75	12.26	12.78
Tennis Instructor	10.73	11.24	11.75	12.26	12.78
Activity Leader	10.73	11.24	11.75	12.26	12.78
Tourism	10.73	11.24	11.75	12.26	12.78
Other	10.73	11.24	11.75	12.26	12.78

Note: This grid does not apply to the Co-Operative/Internship Student Program.

4.4 <u>Amend Fund Raising Policy, RFD#2010137</u>

M-1103-12

Moved by Councillor March seconded by Councillor Bird that Council approve an amendment to the Town of Amherst Fund Raising Policy by adding the following as a third bullet in the Policy Statement:

 The Youth Advisory Council may, with the approval of the Chief Administrative Officer, conduct two fundraising events annually. These events will be monitored by staff with reports provided to Council detailing activities and outcomes following the events.

And by adding the following two paragraphs at the end of the policy:

From time to time additional fundraising opportunities arise that the Youth Advisory Council wishes to participate in. To capitalize on these opportunities and in order to respond to the needs of the Youth Advisory Council in a timely manner, the Chief Administrative Officer has the authority to approve these special cases that arise.

These events shall be facilitated under the direction of the Department of Community and Economic Development. Council would be advised of any special fundraising projects that are approved by Chief Administrative Officer on a monthly basis with reports on the activities and outcomes being provided after the events are complete.

As recommended by the Youth Advisory Council.

MOTION CARRIED

4.5 Insurance Services Provider, RFD#2010138

M-1103-13

Mayor Small declared a potential conflict and excused himself from the Council Chambers during the discussion of this issue. Deputy Mayor Baker chaired the meeting in his absence.

Moved by Councillor March seconded by Councillor Bird that Council accept the renewal proposal from Barnes Insurance Agency/BFL Canada as recommended by the Treasurer, based on satisfactory performance and service, the renewal period to be from April 1, 2011 to April 1, 2012 at the total annual premium of \$155,887.

MOTION CARRIED

4.6 Funding Request: ARHS Vikettes, RFD#2010139

M-1103-14

Moved by Deputy Mayor Baker seconded by Councillor March that Council approve funding in the amount of \$200 under the Town's Grants to Organizations Policy in support of the ARHS Vikettes Basketball team that hosted the Provincials in Amherst on March 3, 4, and 5, 2011.

MOTION CARRIED

4.7 Funding Request – Minor Hockey House League, RFD#2010140

M-1103-15

Moved by Councillor Fawthrop, seconded by Councillor March that Council approve funding in the amount of \$250 under the Town's Grants to Organizations Policy in support of the Cumberland County Minor Hockey Association's House League Tournament which was held in Amherst March 17 – 20, 2011.

MOTION CARRIED

4.8 April and May Meeting Dates, RFD#2010141

M-1103-16

Moved by Councillor March seconded by Deputy Mayor Baker that the regular meeting dates of Amherst Town Council be changed from Monday, April 25 to Tuesday April 26, and from Monday, May 23 to Tuesday, May 24 to accommodate the Easter Monday and Victoria Day holidays.

MOTION CARRIED

5. INFORMATION / DISCUSSION ITEMS

5.1 <u>Authentically Amherst – Arts Culture and Heritage Update</u>

Councillor Fawthrop presented the following Arts Culture and Heritage Update:

Newsletter

The fifth edition of the Arts, Culture & Heritage Newsletter was published in February. Over 50 people have signed up to receive the newsletter via email.

Web Presence

The Amherst Arts, Culture & Heritage segment of the website is now live and being updated weekly. Andrew attended the workshop on web updating at Town Hall on February 18th.

Business and Art Tour

The inaugural Art Walk was held on February 26th as part of the "24 Hour Winter Activity Day". It was a success with many downtown businesses, local artists and art enthusiasts participating. Andrew hopes to build on the initial success of the event by hosting another Art Walk in May.

Speaking Opportunities

In February, Andrew spoke at a Rotary Club meeting as well as at a Tantramar Seniors College event.

Media

Andrew is speaking to CKDH about plans for a weekly feature on the radio to highlight ACH events.

6. STRATEGIC PRIORITIES

7. INTERNAL COMMITTEE REPORTS

7.1 Planning Advisory Committee

7.2 <u>Amherst Board of Police Commissioners</u>

Councillor Fawthrop presented the following report on behalf of the Amherst Board of Police Commissioners:

A meeting of the Amherst Board of Police Commissioners was held on March 9th 2011 in the Council Chambers. Chief Rushton and Mr. Herrett were unable to attend due to previous police related meeting commitments. The following matters of interest were on the Agenda:

Membership

Effective April 13th 2011, the Board will consist of seven members, a change from five. Councillor Robert Angel and Mr. Andrew Wallis were sworn in during the meeting in February. Mr. Ned Douglas and Councillor Robert Bird will be sworn in at the next meeting. The Amherst Board of Police Commissioners By-law, passed December 20, 2010, has been approved by the Minister of Justice and Attorney General, and the Minister of Service Nova Scotia and Municipal Relations on February 16, 2011 and March 10, 2011 respectively.

Presentation

Community Officer Francis Smith was in attendance and presented a handout "Drug Awareness Education" to board members, and explained many of the programs he is working on. The presentation was well received.

Agenda Management

The Agenda format for the ABPC has been amended for consistency purposes to reflect that used by Amherst Town Council. Members received the meeting package electronically, while hard copies were distributed at the meeting. This practice will continue until such time as arrangements can be made to project the report electronically for the convenience of members.

Chief's Report

In the Chief's absence, the Deputy Chief briefed members on the current activities of the department.

Budget Report

The members previewed the draft budget and set a special meeting date for two weeks.

7.3 <u>Dangerous or Unsightly Premises Committee</u>

Councillor March presented the following report on behalf of the Dangerous or Unsightly Premises Committee:

The ordered demolition of the building located at 5 Havelock Street took place on March 16. The demolition was undertaken by Baxter Trucking, who was the contractor awarded the tender for the project.

The demolition went off without any major issues. Many safety precautions were undertaken by the contractor and Town crews, which resulted in a very controlled and safe demolition. Representatives from the Police and Fire Departments as well as Public Works and Planning and Development were on hand to ensure the demolition went ahead as planned and as safely as possible. I would like to thank all involved for their cooperation and professionalism.

As the removal of the debris from the site took until March 22, Havelock Street was closed to vehicular traffic for most of this time. I would like to thank all businesses, employees and customers impacted by this inconvenience.

Lastly, I would like to point out that, due to the efforts of the contractor and staff at CJSMA, 402 tonnes of the material in the building, out of a total of 585 tonnes, were diverted from the landfill resulting in a diversion rate of over 68%. For example, the bricks will be used as aggregate for projects around Little Forks Landfill; clean wood will be used in the composting process and scrap metal will be sold to a scrap metal dealer.

7.4 Youth Advisory Committee

Councillor Bird presented the following report on behalf of the Youth Advisory Committee:

Youth Advisory Council members met on March 7, 2011 for their regular monthly meeting. Members discussed the success of their involvement in the <u>24 Hour Physical Activity Day</u> and are looking forward to working on this project again next year.

It was agreed that CED staff and chairperson Zac Black would work on contacting local municipalities in Cumberland to seek interest for a County Youth Forum to be held in May 2011.

Along with organizing the grand opening of the Amherst Skatepark, Youth Advisory Council members would like to do a trip to Tree Go in Moncton in early June. Members would also like to organize a Youth Fest in early July. This would resemble the activities in the parking lot by Town Hall during the 2010 Four Fathers Festival. They would like to host this at the Amherst Stadium and have a skateboard competition, BBQ and ball hockey and basketball tournament in the Stadium. Details, date and potential of this activity are still to be determined.

The next Youth Advisory Council meeting is scheduled to be held April 4th in Council Chambers.

7.5 <u>Tree Advisory Committee</u> – Nil Report

7.6 Heritage Advisory Committee - Nil Report

8. EXTERNAL COMMITTEE REPORTS

8.1 <u>Cumberland Public Libraries</u>

Councillor March presented the following report on behalf of Cumberland Public Libraries:

March Break

The Four Fathers Memorial Library had a busy and fun March Break with well over 200 students from the area taking part in our programs. We hosted everything from Fun With Science to a Teens Afterhours Party to a Wii Afternoon.

Facebook

The library is on Facebook. We've posted pictures from some of our recent programs, articles and videos from the local newspapers and sent out reminders about upcoming events. To join us on Facebook all you need to do is "Like" us. A link to our Facebook page can be found on the library's website (www.cumberlandpubliclibraries.ca).

New Logo = New Library Cards

All of the Cumberland Public Libraries will be getting new library cards featuring our new logo. Not to worry, your old card will still work.

Statistics

Almost 10,000 items were signed out by Cumberland Public Libraries in February, with over 4,000 of those being signed out at the Four Fathers Memorial Library.

One in four residents of Cumberland County has a library card with the Cumberland Public Libraries; if you're not one, pop by your local library for a free card.

Globe and Mail Best Sellers

Every week we look at the Globe and Mail Best Sellers and buy new books. We also post the list online in the "Read, Watch, Listen" section of our website (www.cumberlandpubliclibraries.ca) so patrons can see what's new and popular and place holds.

8.2 CREDA

Councillor Fawthrop presented the following report on behalf of CREDA:

CREDA has grown and evolved to the point where it is currently one of the top performing RDA's in the Province as evidenced by the most recent mid-year review in which CREDA exceeded the expectations of funding partners. As an example look at some of the large scale projects the organization is involved in such as: Broadband High Speed Internet, the Joggins Fossil Cliffs, Cape Chignecto Provincial Park, Thinkers' Lodge National Historic Site restoration project, Youth Retention and Attraction Program/ Care Kits.

CREDA continues to enjoy exceptional partnerships with all five Municipal units.

Examples include:

- The Arts, Culture & Heritage Coordinator position with the Town of Amherst;
- Regional Energy Strategy under the leadership of the Municipality of the County of Cumberland with the support of the Towns of Springhill and Parrsboro;
- The Shared Development Officer with Oxford, Springhill and Parrsboro.

This year the RDA will be launching a new Five Year Strategic Plan which will set the course for regional development for the next five years. In 2011/2012 the RDA will undertake and implement a new Human Resources Strategic Plan which will notably enhance staff/volunteer capacity.

The RDA is currently in the process of re-branding the organization with a new logo and increased focus on business retention and expansion and renewable energy, among others. In the process of being registered under the RDA Act as a Regional Development Authority hence will be changing its name to Cumberland Regional Development Authority.

8.3 **DARS**

8.4 CJSMA

8.5 Northern Region Waste Resource Committee

Deputy Mayor Baker presented the following report on behalf of the Northern Region Solid Waste Resource Committee:

A meeting of the Northern Region Solid Waste Committee was held in East Hants on March 4, 2011. At the meeting the following significant issues were discussed:

- 1. Truro is the only municipality left to sign the new Northern Region Agreement. Once they sign, the agreement will be copied and distributed to all units.
- 2. The Regional Chairs are going to recommend changes to the new MAP funding formula. Under the new formula CJSMA would lose about \$22,000.
- East Hants has asked that the funding formula for enforcement funding be changed from being distributed by population to being evenly distributed. This would result in an additional \$3,000 for CJSMA. The Committee will look at this for future years.
- 4. The provincial consultants (CBCL) are about to commence audits of all landfills and transfer stations throughout the province.
- 5. The Dairy Stewardship program has resulted in \$30,263.84 in revenue for CJSMA this year.

8.6 <u>LA Animal Shelter</u>

Councillor Angel presented the following report on behalf of the LA Animal Shelter:

Feline Statistics

Eight cats were taken in, five were adopted and one was euthanized. The current feline population is 34.

Canine Statistics

29 dogs were taken in including 12 puppies and one return. Ten were adopted and one euthanized. Currently there are 12 dogs in-house. Four dogs and six puppies were fostered. Two dogs were spayed and two neutered during the month of February.

Canine Intake by Area

Canine control intake from Amherst – six, with four being claimed; Canine control intake from Springhill – four, with three being claimed, Canine control intake from Cumberland – one.

Dogs that were surrendered: from Parrsboro – one, and from Cumberland – 16.

Volunteering

Volunteers made approximately 63 visits during the month to walk dogs, spend time with cats, bath puppies, brush cats, help with daily cat/dog related morning and afternoon chores, shovel snow from the roof of the shelter and remove snow from dog pen door areas. Ten new volunteers signed in at the shelter in February. A few are interested in assisting with our annual telethon, fundraising and selling raffle tickets.

Dog Tags

All dogs in Amherst are required to be licensed annually from April 1 to March 31. The fee is \$15 for dogs that are spayed or neutered or \$30 for un-spayed or un-neutered dogs. Upon purchasing a dog tag, either at Amherst Town Hall of the Animal Shelter, you must present written proof from a veterinarian that the dog has been spayed or neutered. Under a Memorandum of Understanding between the Town and the Shelter, all annual licensing fees, to a maximum of \$10,000, will be given to the Shelter to assist with operating and maintenance costs.

Upcoming Event

A major fundraising event for the LA Animal Shelter, coordinated by students of the Nova Scotia Community College, will be held on Thursday, April 14 from 6:00 to 8:00 PM at the Dominion Public Building, 98 Victoria Street, Amherst. This event is a <u>Women Only</u> fashion show, inspired by Women in Business and modeled by local business women.

All fashions will be provided by Leslie Jane Fashions in Amherst. Tickets are \$20 and are available at Leslie Jane Fashions, 115 Victoria Street, Amherst. Finger foods will be provided and there will be a cash bar. The models' hair and makeup will be by Bellisimo Salon of Amherst.

8.7 Cumberland YMCA

Councillor Fawthrop presented the following report on behalf of the Cumberland YMCA:

- Fiscal year ending March 31, 2011 is showing a net contribution much higher than the \$25,000 surplus initially budgeted. Audit will begin late April and complete audited statements will be available by June.
- Membership has remained consistent at approximately 700 members even during the winter months when our fitness classes have been off site. Participation numbers have been remaining strong in the classes throughout Cumberland County as well generating more program revenue. We are now offering more than 40 fitness classes per week!
- Wellness Centre update: The Wellness Centre renovations are on track and the space is really coming together. Second floor drywall is up, stairs are in, ductwork and electrical in process. (Would be happy to tour the Town of Amherst Councillors through the space at any time).
- Construction on the Childcare Expansion is due to start in late April. We are still finishing the
 details of the Expansion grant funding with Community Services but it is nearly resolved. The Y is
 just waiting for the security to be registered.
- We have had another successful Weight Loss Challenge.
- A grant application has been submitted to the Department of Health and Wellness and we are hopeful this grant will be approved. The grant submission was for \$147,000 in pool renovations and upgrades, approximately a third of the total projected costs of the pool requirements.
- 8.8 VON Nil Report

9. ADJOURNMENT

On motion by Councillor March the meeting adjourned at 7:50 PM.

APPROVED BY:

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

Robert Small Mayor

Regular Council Meeting

Monday, March 28, 2011 at 7:00 PM

AGENDA

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2.	HEARINGS / PRESENTATIONS / PETITIONS			
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3.2	Approval of Agenda		Baker	
3.3	Approval of Minutes:			
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9.	ADJOURNMENT			