

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Tuesday, May 24, 2011 at 7:00 PM**

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

REGRETS: Councillor Terry Rhindress

ATTENDING: Jason MacDonald, Director of Planning and Engineering
Vince Arbing, Treasurer
Sarah Wilson, Accountant
Ben Pitman, Director of Transportation and Public Works
Roger MacIsaac, Director of Community and Economic Development
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-1105-01
Moved by Deputy Mayor Baker seconded by Councillor Fawthrop to approve the agenda as circulated.**

MOTION CARRIED

**3.3 Approval of Minutes M-1105-02
Moved by Deputy Mayor Baker, seconded by Councillor March to approve the minutes of the April 26, 2011 Regular meeting as circulated.**

MOTION CARRIED

4. REQUESTS FOR DECISION

**4.1 By-law at 2nd Reading: Building By-law, RFD#2012009 M-1105-03
Moved by Councillor March seconded by Councillor Fawthrop that Council approve second reading and enactment of the Building By-law, D-6, which repeals and replaces the current Building By-law which was approved by Council on January 8, 2008.**

MOTION CARRIED

Building Bylaw D-6

This By-Law shall be known as By-Law Number D-6, and may be cited as the "Building By-Law". The Town's Authority to enact this By-Law comes from the Building Code Act, R.S., c. 46, s. 1.

PART 1 – DEFINITIONS

1.
 - a) "authority having jurisdiction" means the Building Official appointed by the Town Council for the Town of Amherst pursuant to Section 5 of the Building Code Act.
 - b) "Building Official" means a qualified individual as designated by the Nova Scotia Building Code Training and Certification Board (NSBCTCB).
 - c) "Code" means Nova Scotia Building Code Regulations or NSBCR.

- d) “construct” means erection, installation, extension, relocation, material alteration or material repair of a building and includes the installation of a factory-made building fabricated or moved from elsewhere.
- e) “demolition” means the removal of a building or any material part thereof.
- f) “material alteration” and “material repair” means the alteration or repair of a building which work is covered by the Code.
- g) “owner” includes a person controlling the property under consideration, and also includes prima facie the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act.
- h) “location certificate” means a surveyed drawing containing the geographic location of the footings in relation to the property lines. Dimensions will be shown from the footing to the property lines.
- i) “occupancy permit” means an acceptable final inspection has been performed and occupancy has been granted, as per the scope of work as listed in the “Use Description” area of the building permit.

PART 2 – PERMITS

- 2.1 Before issuing a building permit, the Building Official shall be satisfied that a development permit, if required, has been issued pursuant to the Land Use Bylaw of the Town of Amherst.
- 2.2 A footing permit, building permit, occupancy permit and demolition permit shall be in the form as provided by the Building Official.
- 2.3 Before a permit is issued, an applicant must complete an application form, as provided by the Building Official.
- 2.4 Every application for a permit shall:
 - a) identify and describe in detail the work and occupancy to be covered by the permit for which application is made;
 - b) describe the land on which the work is to be done by a description that will readily identify and locate the proposed building;
 - c) include plans and specifications as required by the Building Official and show the occupancy of all parts of the building;
 - d) state the valuation and cumulative area of the proposed work and be accompanied by the required fee;
 - e) state the names, addresses and telephone numbers of the owner, architect, professional engineer, other designer and constructor; and
 - f) the Building Official may require proof that the plumber is a qualified licensed journeyman (either Red Seal or Province of Nova Scotia)
- 2.5 When an application for a permit has not been completed in conformance with the requirements of the Bylaw within six months after it is filed, the application shall be deemed to have been abandoned.
- 2.6 A building permit is valid for 12 months from the date of issuance and is renewable.
- 2.7 A building permit may be renewed within 30 days of expiration subject to the conditions set forth in Sub-Section 2.8 and that an inspection discloses that the project may safely be continued.
- 2.8 A building permit that is renewed pursuant to Section 2.7 is provisional and subject to the following conditions:
 - (a) Work on the subject property must begin within thirty (30) days from the time the permit is renewed and shall reasonably and seriously continue until completion;
 - (b) A building permit may only be renewed once and the duration of the extension shall be based on the estimated completion date of the project;
 - (c) Any revised plans deemed necessary by the Building Official or required as a result of any change in the scope of the work are to be submitted to and approved by the Building Official prior to commencement of any work; and
 - (d) A fee for renewal is to be paid in accordance with the Town of Amherst User Fee Policy 3470-03, and as amended from time to time.

- 2.9 If any of the conditions set forth in Section 2.8 are not met or having been met are subsequently violated, the renewed building permit may be suspended or cancelled by the Building Official.
- 2.10 The Code applies, but a building permit is not required for:
- (a) accessory buildings not greater than 20 square meters (215.2 square feet) in area;
 - (b) interior and exterior non-structural material alterations and material repairs with a monetary value of five thousand dollars or less;
 - (c) replacement or installation of a new plumbing fixture that does not increase the hydraulic load of the drainage system or require alterations to an existing water distribution system or drainage system;
 - (d) siding replacement provided that there are no structural changes or repairs required regardless of cost;
 - (e) roof covering replacement provided that there are no structural changes or repairs required regardless of cost;
 - (f) window and door replacement provided that there are no structural changes or repairs required regardless of cost.
- 2.11 An occupancy permit is required for all building permits as per the requirements of the Code. In addition, an occupancy permit shall require that the exterior of the building be completely finished.
- 2.12 Before issuing a demolition permit, the Building Official shall be satisfied that:
- (a) the building is not subject to the provisions of a by-law passed pursuant to the Heritage Property Act;
 - (b) the remaining structural integrity of a building will not be jeopardized if only a portion of a building is being demolished; and
 - (c) that a "Notice of Approval" has been filled out by the applicant and signed by the authority having jurisdiction for the Amherst Fire Department. See Appendix "A"
 - (d) See Section 4.3 for inspection requirements
- 2.13 A permit is required for a temporary structure, tent or air supported structure if:
- (a) the area exceeds 30 m² or,
 - (b) it will be occupied for more than three days
 - (c) the permit shall be posted on the structure and shall state the conditions and the date for which the permit is no longer valid
 - (d) the permit may be extended in writing by the Building Official
 - (e) see Section 4.4 for inspection requirements
- 2.14 A permit "at owner's risk":
- (a) may be issued at the risk of the owner, with conditions to ensure compliance with the Code, to excavate or to construct a portion of a building before all the plans of the project have been submitted or accepted, and
 - (b) shall be clearly marked "at owner's risk".
- 2.15 Other Information Required:
- (a) A permit for a whole project may be issued conditional upon the submission of additional information prior to commencing the work for which the information is pertinent, provided that the information is of such a nature that withholding the permit until the information was available would delay the work unreasonably.
 - (b) The condition shall be set out on the face of the permit.

PART 3 – PERMIT FEES

- 3.1 Fees for permits shall be as prescribed in the Town of Amherst User Fee Policy, Policy 3470-03, and as amended from time to time.

PART 4 – INSPECTIONS

- 4.1 The owner/agent of/for a building being constructed under the scope of Part 9 of the Code shall notify the Building Official to inspect for compliance with the Code at the following stages of construction as noted on the building permit by the Building Official:
- (a) For most conventional styles of construction:
1. Footings in place
 2. ICF foundations to be inspected prior to placing any concrete in forms
 3. Foundation insulation if placed on exterior of foundation
 4. Water/sewer/storm line connections between footing and property line prior to covering
 5. Foundation before backfilling
 6. All under-slab water/sewer connections
 7. Basement floor slab insulation (if required)
 8. Prior to placing concrete over a hydronic heating system
 9. Framing inspection once all rough-in work is complete including plumbing, electrical, ventilation and heating
 10. Insulation/vapor barrier inspection prior to covering
 11. Final inspection prior to allowing occupancy
- (b) For mini homes (manufactured housing) site preparation, foundation installation and anchorage are to be in accordance with CSA Z240 MH and the inspection requirements are as follows:
1. pad preparation (if required)
 2. anchorage inspection
 3. Water/sewer connection inspection, and
 4. Final inspection prior to occupancy
- (c) For modular homes certified to CAN/CSA-A277-08 "Procedure for Factory Certification of Buildings" as complying with the technical requirements of this Code, the inspection requirements are for all site built components only and they include all relevant inspections as per Sub-Section 4.1.1.
- 4.2 The owner of a building being constructed outside the scope of Part 9 of the Code shall notify the Building Official:
- (a) of the intent to undertake construction that will be inspected and will be reviewed as required by Article 2.1.1.5., 2.1.1.6., or 2.1.1.7., of the Nova Scotia Building Code Regulations;
- (b) of intent to cover construction that has been ordered to be inspected by the Building Official before covering;
- (c) at intervals deemed necessary by the Building Official based on the complexity of the building; and
- (d) when construction has been completed so that a final inspection can be made.
- 4.3 Inspection requirements for a demolition permit are as follows:
- (a) a final inspection to ensure that no debris has been left behind and that there are no unsafe conditions or damage caused as a result of the demolition
- 4.4 Inspection requirements for a temporary structure, tent or air supported structure are as follows:
- (a) prior to any use or occupancy;
- (b) final inspection once structure has been removed from site.
- 4.5 Location Certificates are required for all new main building construction. They are required once footings or pads have been put in place and prior to the footing inspection being performed. The Building Official will provide the permit holder instructions to continue the work once the required setbacks have been approved.
- (a) The following will be excluded from the requirement of a location certificate:
- i) temporary buildings, and
 - ii) buildings not having a permanent foundation.
- 4.6 The Building Official shall be given a minimum of 24 hours notice to inspect the various stages of construction. Each stage of construction is to be complete in full prior to inspection, or no inspection will occur.

- 4.7 It is the responsibility of the permit owner (or their agent) to ensure that all required inspections are scheduled and that work does not proceed until such time as the Building Official gives written permission to proceed.

PART 5 – HOURS OF CONSTRUCTION

- 5.1 No person shall engage in construction or the operation of any construction equipment in connection with construction between the hours of 10:00 p.m. and 6:00 a.m. except where such construction or operation of equipment is on any highway, Town-owned street, sidewalk, or water or sewer utility.
- 5.2 Any person may make application to the Building Official to be granted an exemption from Part 5.1 of this Bylaw. Any exemption so granted shall:
- (a) specify a time period of not greater than three days during which the exemption shall be effective, and
 - (b) shall include such terms and conditions as the Building Official deems appropriate, which may include a requirement that the applicant provide advance notice to abutting land owners or tenants of the hours of the construction or operation of construction equipment to occur in accordance with the exemption.
- 5.3 In deciding whether or not to grant an exemption under Part 5.2 or in determining terms or conditions of the exemption, the Building Official shall give consideration to:
- (a) the volume, nature, duration and consistency of noise emission from the construction or operation of construction equipment;
 - (b) the proximity and nature of abutting or adjacent land uses;
 - (c) the proposed hours of operation;
 - (d) the nature and degree of any inconvenience to adjacent or abutting land owners;
 - (e) the reason for the requested exemption, and the effect on the applicant if the exemption is not granted; and
 - (f) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.
- 5.4 Any contravention of the terms or conditions of an exemption pursuant to Part 5.2 shall constitute a contravention of this Bylaw. In addition to any other available remedies for such contravention, the Building Official may suspend or cancel an exemption.

PART 6 – PENALTIES

- 6.1 Every person who contravenes any provision of this By-law, the Building Code Act or the Nova Scotia Building Code Regulations is guilty of an offence and on summary conviction is liable to a fine of not less than five hundred dollars (\$500.00) and not exceeding twenty-five thousand dollars (\$25,000.00) or to imprisonment for a term of not more than one year or both as per the provisions set forth in Section 19 of the Building Code Act.

PART 7 – REPEAL

- 7.1 The Town of Amherst Building By-Law D-6 as amended by Council May 5, 2008 and filed with the Minister of Service Nova Scotia and Municipal Affairs on January 31, 2008 is hereby repealed.

Appendix "A"

Amherst Fire Department

NOTICE OF APPROVAL FOR DEMOLITION PERMIT

Name and address of Owner(s) _____

What is being demolished? _____

When is/are the proposed date(s) of the demolition? _____

Location of demolition: _____

Reason for the demolition: _____

Method of demolition: _____

Disposal area: _____

Permit Conditions:

1. Provide protection of adjacent buildings
2. Provide access for firefighting
3. Portable fire extinguishers to be available at all times
4. Maintain at least one egress route
5. All services to building must be disconnected

- 6. Remove all sources of fuel for heating equipment
- 7. Combustible refuse to be moved to a safe location
- 8. Provide dust control
- 9. All debris to be removed from site
- 10. _____
- 11. _____
- 12. _____

All demolition sites are to be maintained as per the requirements of Section 5.6 of the National Fire Code and Part 8 of the National Building Code.

Signature of Applicant: _____ Dated: _____

The Authority Having Jurisdiction (AHJ) for the Amherst Fire Department gives approval for the demolition of the above noted property.

Signature of AHJ: _____ Dated: _____

Note:

A copy of the signed Notice of Approval must be delivered to the Building Official in order for the demolition permit to be issued.

4.2 By-law at 2nd Reading: Vacant Building By-law, RFD#2012010 -1105-04 & 05 Moved by Councillor March, seconded by Deputy Mayor Baker that Council approve 2nd reading and enactment of the Vacant Buildings By-Law, P-5.

Moved by Councillor March, seconded by Councillor Fawthrop that the word "COMMERCIAL" be added to section 6 (3) of the proposed by-law as follows:

- 6 (3) *The sightline into a vacant **commercial** building through any street facing ground floor window shall be blocked by a decorated panel not more than 2 meters from the interior side of the window. The design of such panel shall be approved by the Administrator*

MOTION CARRIED

ORIGINAL MOTION CARRIED AS AMENDED

**TOWN OF AMHERST Vacant Building By-law
P-5**

Pursuant to Section 171 and 172 of the Municipal Government Act, BE IT ENACTED by the Council of the Town of Amherst as follows:

- 1. (1) This By-law shall be known as the Vacant Building By-law. It shall apply to all vacant buildings within the Town of Amherst.
- (2) Where a provision of this By-law conflicts with the provision of another By-law in force within the Town, the provision that establishes the higher standards to protect the health, safety, and welfare of the general public shall prevail.

DEFINITIONS

- 2. (1) Unless otherwise defined herein, definitions contained in the Nova Scotia *Building Code Act*, *Nova Scotia Building Code Regulations*, *The Municipal Government Act*, *The Town of Amherst Land Use Bylaw*, *Town of Amherst Minimum Standards for Residential Occupancies Bylaw* and the *National Building Code* also apply to this By-law.
- (2) In this By-law
 - (a) "Administrator" means the person appointed by the Town to be the Dangerous or Unsanitary Premises Administrator or their designate.
 - (b) "Building", for the purposes of this by-law, means any structure having a roof supported by columns or walls and used, or intended to be used to support or shelter any use or occupancy.
 - (c) "Boarding Permit", means a Boarding Up permit provided for in this Bylaw.
 - (d) "Council", means the Council for the Town of Amherst.
 - (e) "Inspector", means the person appointed by the Town to be the Building Inspector or their designate.
 - (f) "Town", means the Town of Amherst.

- (g) "Order to Comply", means a notice to the owner of a building to correct any violations of this bylaw.
- (h) "Owner", includes any one or combination of the following as defined in the *Municipal Government Act*:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or 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, in the absence of proof to the contrary, the person assessed for the property.
- (i) "Provincial Building Code", means the National Building Code as adopted pursuant to the Nova Scotia Building Code Regulations including amendments as may be made from time to time.
- (j) "Vacant", in relation to a building means a building that is not being used or occupied for a period exceeding 28 days.

For the purposes of this bylaw, a building is not being used or occupied solely by reason of:

- (i) Individuals who are present in the building without the consent of the owner; or
- (ii) The existence of equipment or stock in trade within a building or the occasional operation of such equipment, excluding a warehousing operation for which a development permit has been issued.

GENERAL DUTIES AND OBLIGATIONS

- 3. (1) The owner of a vacant building must ensure that the building is secure from unauthorized entry at all times.
- (2) The owner of a vacant building must ensure that the building is maintained so as not to be dangerous or unsightly, as defined in the *Municipal Government Act*.

FOUNDATIONS AND EXTERIOR WALLS / YARDS OF VACANT BUILDINGS

- 4. (1) The components of every exterior wall of a vacant building shall be maintained, weather tight, free from loose or unsecured objects and materials, prevent the entrance of insects and animals and prevent deterioration due to weather, insects, birds or animals.
- (2) All foundation supports forming part of a vacant building shall be maintained in good repair so as to prevent settlement of the building.
- (3) Vacant buildings shall be kept free of rodents and vermin at all times. Methods used for exterminating such pests shall be in accordance with the provisions of the *Pest control Products (Nova Scotia) Act*.
- (4) All yards shall be kept clean and free of all debris, tall grass and weeds.

BOARDED UP VACANT BUILDING PERMIT REQUIRED

- 5. (1) The owner of a vacant building must obtain a Boarding Up permit prior to boarding up of the building.
- (2) For clarification purposes, please note that there is no requirement to board up a vacant building provided all other relevant provisions of this bylaw are satisfied.
- (3) Permit Requirements:
 - (a) A Boarding Up permit shall be valid for a maximum of fourteen days.
 - (b) A second Boarding Up permit may be issued by the Administrator within a calendar year provided a request is received in writing from the owner.
 - (c) The third or any subsequent Boarding Up permits within a single calendar year require the approval of the Director of Planning and Development.

- (4) Notwithstanding Section 4 (1) of this Bylaw, a building may be boarded up at the discretion of the Town of Amherst Fire Chief or his designate without first obtaining a permit. Upon notification of the Fire Chief that the said building is no longer required to be boarded up for the purposes of the Town of Amherst Fire Department and if the building is to remain boarded up, a permit will be required.

VACANT BUILDING CONDITION

- 6. (1) Windows, exterior doors, skylights, and basement or cellar hatchways shall be maintained in good repair and be weather tight.
- (2) The interior side of any windows shall not be directly covered with paper, cloth, plastic or other such material unless written permission is granted by the Administrator.
- (3) The sightline into a vacant building through any street facing ground floor window shall be blocked by a decorated panel not more than 2 meters from the interior side of the window. The design of such panel shall be approved by the Administrator.
- (4) Exterior stairs, porches, balconies and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards.

INSPECTIONS

- 7.(1) The Administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.
- (2) Except in an emergency, the Administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of entry has been given to the occupier at least twenty four hours in advance.
- (3) If a person refuses to allow the Administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. *1998, c.18, s. 352.*

ORDERS BY THE ADMINISTRATOR

- 8. If after an inspection, the Administrator is satisfied that in some respect, the building does not conform to the standards prescribed in this By-law the Administrator shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply.
 - (1) Every Order to Comply shall contain:
 - (a) the standards with which the building does not comply;
 - (b) actions to be taken in order to bring the building into compliance with the standards;
 - (c) the date after which the building will be subject to a re-inspection to ascertain compliance with the Order;
 - (d) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the re-inspection; and
 - (e) Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order
 - (2) Where an owner fails to comply with the requirements of an Order within the time frame stipulated therein, the Administrator, his designate or contractors may enter upon the property without warrant or other legal process and carry out the work, specified in the Order.
 - (3) Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof either from the owner or as a first lien on the property affected.

TRANSITION PROVISIONS

- 9. Upon the adoption of this Bylaw, owners of vacant buildings which are currently boarded up will have 60 days to obtain the necessary permit.

PENALTY

- 10. (1) Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable, upon summary conviction, to a penalty not less than One Hundred Dollars (\$100.00) and not exceeding Five Thousand Dollars (\$5,000.00) and in default of payment to imprisonment for a period not exceeding ninety (90) days.

- (2) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.
- (3) In addition to any other remedy open to law, the judge may:
- make an Order restraining the continuance of repetition of any such contravention or failure;
 - make an Order directing the removal or destruction of any building or structure or part thereof so contravening or failing to comply, or in respect of which any such contravention or failure has taken place, and that upon failure to comply with such Order, the Inspector may remove, repair or destroy such building or part thereof at the expense of the owner;
 - make such other Order as is required to enforce the provisions of this By-law, and the recovery of the expense of any such removal, repair or destruction by the Inspector, as to the Court or Judge seems fit.

4.3 Policy Repeal: Smoking Policy, RFD#2012011 M-1105-06
Moved by Deputy Mayor Baker seconded by Councillor March that Council repeal the Town of Amherst Smoking Policy, #2000-02.

MOTION CARRIED

4.4 Policy Amendment: User Fee Policy, RFD#2012012 M-1105-07
Moved by Councillor Angel seconded by Councillor March that Council approve amendments to the Town of Amherst User Fees Policy – Schedule of Rates (Number 3470-03) as recommended.

MOTION CARRIED

**TOWN OF AMHERST
 USER FEES POLICY, SCHEDULE A**

Policy 3470-03

Corporate Services		
SERVICE/PRODUCT/ADMINISTRATIVE	FEE	HST STATUS
Photocopies	.25/copy	Plus HST
Tax Certificates	\$50.00	Plus HST
Use of Facilities (Cumberland Memorial Bldg)	\$50.00/day	Plus HST
NSF Cheques	\$20.00	HST Exempt

By-Law Fees Collected by Corporate Services		
C-9 Taxi By-Law, Schedule C		
Taxi Cab License	\$25/yr	HST Exempt
Taxi License Transfer	\$10	HST Exempt
Taxi Driver License	\$5/yr	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
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 2 nd 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	\$100.00*	Plus HST
Trackless	\$60.00*	Plus HST
Sewer Camera	\$100.00*	Plus HST

Line Locator		
Hole Hog	\$50.00*	Plus HST
Vermeer Brush Chipper	\$45.00*	Plus HST
Steamer	\$60.00*	Plus HST
Trash Pump	\$30.00*	Plus HST
Diaphragm Pump	\$1500	Plus HST
Overhead charges extra – see procedure	\$15.00	Plus HST
* Price includes one operator and fuel during normal working hours; overtime labour rates are extra.		

Operational Services By-Laws		
D-3 Sewer Use 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	\$.84m ³	HST Exempt
Commercial/Industrial/Institutional metered customers	\$.41m ³	HST Exempt
Non-metered Mobile Home Park Owner	\$151.30 /dwelling unit/year	HST Exempt
Unmetered Residential Customers	Flat charge \$227.32/yr	HST Exempt

Other		
Sanitary Sewer Charge for Sewage Treatment Plant billed on Tax Bill	\$28.00/yr	HST Exempt
Solid Waste Collection billed on Tax Bill	\$174.00/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

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	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

Community & Economic Development Department		
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
Dashboard	\$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.”

**Policy Amendment: Tax Reduction Policy, RFD#2012013 M-1105-08
Moved by Councillor Bird seconded by Deputy Mayor Baker that Council approve amendments to the Town of Amherst Tax Reduction Policy (Number 3800-02) as recommended**

MOTION CARRIED

TAX REDUCTION POLICY, #3800-02

PURPOSE:

To establish a policy to determine the reduction in taxes for a person (s) whose income from all sources for the calendar year preceding the fiscal year of the Town of Amherst is below the amount set out in this policy AND to determine the reduction in taxes for the owner(s) of a building which has been completely or partially destroyed.

POLICY STATEMENT (1): LOW INCOME

It shall be the policy of the Amherst Town Council that an exemption from taxes will be granted, pursuant to Section 69(2) (a) of the Municipal Government Act, up to an amount of two hundred and twenty-five dollars (\$225.00) as per the following conditions:

- a) That the exemption be granted to every person assessed with respect to taxable property in the Town of Amherst, who is resident of the Town of Amherst, and whose total household income from all sources for the calendar year preceding the fiscal year of the Town of Amherst was less than the maximum annual income for a single person to qualify for the guaranteed Income Supplement for the period April – June of the current year, as determined by Service Canada. Allowances paid pursuant to the War Veterans Allowance Act (Canada) or military pension paid pursuant to the Pension Act (Canada) are not to be included in a person's total income;
- b) That the exemption be granted only in respect of property occupied by the applicant ratepayer at his/her home;
- c) That, where two or more persons, one or more of whom are entitled to an exemption, are by an interest the owners of taxable property together, the person(s) is entitled to that portion of the amount of the exemption that the amount of his/her assessment bears to the whole property;
- d) That the person applying for the exemption make an affidavit regarding his/her income for that period and return such affidavit to the Town Office not later than July 31 of the year in which the taxes are payable.

POLICY STATEMENT (2): BUILDING DESTROYED

In accordance with Section 69(A) of the Municipal Government Act, that where a building(s) situate on a property has become permanently unlivable or unusable due to fire and the current assessment of the property does not reflect that the building (s) has been destroyed, it shall be the policy of the Amherst Town Council to permit the reduction or rebate of property taxes on the building(s) alone for the balance of the taxation year under the following conditions.

- a) The taxpayer shall apply in writing to the Clerk asking for a reduction or rebate of property taxes.
- b) The Clerk shall ask the Building Inspector to confirm the complete destruction of the building(s).
- c) The Clerk shall ask the Regional Assessment Office to determine the following years assessment value before any subsequent rebuilding or construction.
- d) Upon receipt of the Building Inspectors and Provincial Assessments report, the Clerk shall authorize the Treasurer to reduce the amount of the taxes on the building(s) by pro rating the same over the balance of the taxation year from the date of destruction.
- e) This policy section shall be made retroactive to April 1, 2005; provided that if, as a result of this policy being made retroactive, it results in property taxes being rebated such sums shall be paid without interest.
- f) If the owner of the property in question is found guilty of arson, either civilly or criminally, the Clerk shall not rebate any taxes. In the event that taxes have already been rebated, then that rebate shall be void ab initio, and the taxes with interest accrued thereon will become immediately due and payable, it being the overriding policy of the Town of Amherst that a person shall not benefit from his or her own wrongdoing.

**Cumberland YMCA – Summer Swim Programs, RFD#2012014 M-1105-09
Moved by Councillor Fawthrop seconded by Councillor Angel that Council approves an agreement with the Cumberland YMCA for delivery of the summer instructional and recreational swim programs for 2011 in the amount of \$49,018.72, and authorizes the Mayor and CAO to sign on behalf of the Town.**

MOTION CARRIED

THE TOWN OF AMHERST, a Municipal Corporation, in the County of Cumberland and Province of Nova Scotia; Hereinafter called "the Town" and

The Cumberland YMCA Hereinafter called "YMCA."

WHEREAS:

The Town wishes to provide various recreational programs for the benefit of its citizens in particular, the youth and teens within the Town of Amherst;

And the YMCA has indicated an ongoing interest to provide recreational program support to the Town.

The YMCA agrees to provide the following services to the Town.

1. Commencing on or about July 4th and continuing for eight (8) weeks, the YMCA will provide Amherst youth an instructional swim program. This program will include the costs related to the Director of Aquatics, qualified instructors, life guards, equipment, uniforms, badges, awards and all other costs related to the operation of a successful instructional program.
2. Commencing on or about July 4th and continuing for eight (8) week, the YMCA will provide Amherst youth with a Recreational Swim Program. This program will be offered between the hours of 2:30pm to 4pm from Monday, Wednesday and Friday and from 5:30 to 7:00pm on Tuesday and Thursday and will be restricted to maximum of 110 swimmers being admitted on a first come, first served basis. Participation is limited to Town of Amherst residents only those who have been issued a summer recreational swim pass either by the YMCA on behalf of the Town of Amherst.
3. The YMCA agrees and undertakes with the Town:
 - a) to provide for a well maintained pool and recreation facility and employ responsible policies and procedures in the day to day operation of its facilities.
 - b) to supervise the pool in accordance to generally accepted standards with lifeguards appropriately qualified under the National Lifeguard Service and qualified in First Aid.
 - c) to ensure that Lifeguards are supervised and coordinated by the YMCA's Aquatics Director at all times and that program staff are supervised and coordinated by the YMCA's Program Director.
 - d) to indemnify the Town from liabilities, damages, costs, claims, suits or actions resulting from:
 - i) a breach, violation or non-performance of any covenant or proviso of this AGREEMENT on the part of the YMCA
 - ii) damage to property or equipment owned by the YMCA used in the delivery of the services and programs on behalf of the Town
 - iii) injury to person or persons, including death resulting at any time there from, occurring in or about the YMCA, and on the roads, parking lots or sidewalks adjacent to them.
4. The Town agrees and undertakes with the YMCA:
 - a) to pay to the Cumberland YMCA an Annual Cash amount of **\$49,018.72** payable in bi monthly installments of \$12,254.68 on or about July 18, July 30, August 15 and August 27.
5. Provided always and it is agreed between the parties:
 - a) The Town shall not be liable or responsible in anyway for any loss suffered by any party while the YMCA is providing programming on behalf of the Town and the YMCA shall indemnify the Town against any loss suffered.
 - b) In the event the YMCA building or pool is closed which results in the cancellation of a Town sponsored program, the YMCA will issue a credit against the monthly statement of account issued to the Town.
 - c) All media releases to provide updates on Town sponsored programs facilitated by the Cumberland YMCA will be issued by the Town in accordance with existing Town policy and procedures.
 - d) It is understood that the terms of this agreement will be adhered to for both the summer instructional swim program and the recreational swim program if notice of termination as per "d" below is not received prior to July 1st.
 - e) This agreement will remain in force from this date forward contingent on annual approval of funding within the Town of Amherst budget. This agreement may be terminated by either party upon receipt of written notice of 60 days.

6. This AGREEMENT and everything contained in it shall extend to, bind and enure to the benefit of the heirs, executors, administrators, successors and assigns of each of the parties to it, subject to such consents as required by the terms of this AGREEMENT.

- 4.7 **Tender: Victoria Street Redevelopment, RFD#2012015** **M-1105-10**
 Moved by Councillor March seconded by Councillor Angel that Council award the tender for Victoria Street Revitalization - Street Improvements to the low bidder, Costin Paving and Contracting, at their unit prices for a total project cost of \$399,050.

MOTION CARRIED

4.8 **Funding Requests**

- a) **Cumberland Car Club, RFD#2012016** **M-1105-11**
 Moved by Deputy Mayor Baker seconded by Councillor Fawthrop that Council approve funding in the amount of \$500 under the Town's Festivals and Events Policy in support of the Cumberland Car Club's 205h anniversary Show and Shine being held in Amherst on June 25 and 26, 2011 at the Robb Centennial Complex.

MOTION CARRIED

- b) **Firefighter Combat Challenge, RFD#2012017** **M-1105-12**
 Moved by Councillor Angel seconded by Councillor March that Council approve funding in the amount of \$250 under the Town's Grants to Organizations Policy in support of Amherst Firefighter, Mark Goodwin, to attend the 2011 World Championship Firefit Firefighter Combat Challenge in Myrtle Beach.

MOTION CARRIED

- c) **Piece by Piece Autism Association, RFD#2012018** **M-1105-13**
 Moved by Councillor March seconded by Deputy Mayor Baker Council approve funding in the amount of \$150 under the Town's Festivals and Events Policy in support of the Piece by Piece Autism Association for their "Walk the Walk" charity fundraiser being held in Dickey Park on June 18, 2011.

Moved by Councillor Bird seconded by Councillor Fawthrop that this amount be amended to \$500

MOTION CARRIED

ORIGINAL MOTION CARRIED AS AMENDED

- d) **Special Olympics, RFD#2012019** **M-1105-14**
 Moved by Councillor Fawthrop seconded by Councillor Angel that Council approve funding in the amount of \$500 under the Town's Grants to Organizations Policy in support of Amherst athletes attending the 2011 Nova Scotia Summer and Winter Special Olympic Games.

MOTION CARRIED

- e) **Zonta, RFD#2012020** **M-1105-15**
 Moved by Councillor Bird seconded by Councillor March that Council approve funding in the amount of \$250 under the Town's Festivals and Events Policy in support of the Zonta Club of Amherst Area Conference being held in Amherst from September 30 to October 2, 2011.

MOTION CARRIED

4.9 **2011-2012 Capital and Operating Budget**

CAO's Comments on the Budget

It is my pleasure to present the Operating and Capital Budgets for the 2011/2012 fiscal year for Council's consideration this evening. I do want to take this opportunity to recognize and thank the staff members who have put so much time into this effort over the past few months.

As has been the case for the past few years, this year's budget includes a five year capital plan, but Council will only be formally approving Year One of that plan.

As is always the case, there are a number of factors impacting the budget for the year ahead of us. Residential **market value** assessment grew by 6.0% this past year. Residential **capped** assessment increased by 5.2% to \$328,028,800; this is the figure that is relevant for taxation purposes. It is interesting to note that the number of properties that qualified for the cap actually decreased by 60 this year – many of these would be sales, etc. This highlights the inequity of the cap program – the very real potential for the scenario where two similar and similarly assessed properties can have radically different assessments for billing purposes simply because one of them has been recently sold.

Commercial assessment grew by 2.5% to \$131,542,500. The phase out of the Business Occupancy assessment and tax is all but complete. Only about \$2 million in business occupancy assessment remains – essentially financial institutions. The loss in revenue this year from the phase out – about \$280,000 has been absorbed without an increase in the commercial rate being necessitated.

This year we are projecting that the new Waste Water Treatment Facility on the marsh will operate for the last half of the year. Accordingly, there are increased provisions for operating expenses related to the facility which necessitate an increase in sewer charges. It is anticipated that further increases in the sewer charge will be necessary in 2012/13 as the facility operates for its first FULL year.

Overall, revenues are up 3.1% or approximately \$488,000 to \$16,455,615.

Over all, expenditures are projected to rise by 3.1% as well, to that same 16.4 million dollar figure.

On an organization-wide basis, wages and benefits are up by approximately \$213,000 or 3%. While wages are up by approximately 4.6%, cost savings on renewals on the benefits side offset the balance. Pensions continue to cost over 10% of wages.

Administrative costs are up by \$77,000 due mainly to increased cost of training, police software licensing costs and a full year of costs related to the contract with CREDA for the Arts, Culture and Heritage Coordinator.

As noted earlier we expect the WWTF to be in operation for the last half of the year and this adds \$50,000 in electricity costs alone. When combined with increases in costs for natural gas and building maintenance the result is an increase of about \$97,000 in building and facility costs.

The costs of operating our vehicles and equipment is staying pretty much the same as increases in some cost elements are offsetting decreases in others.

The Grants to Organizations line is increased by \$8,500 due to the recently signed MOU with the LA Animal Shelter.

The conversion to LED street lights is saving us \$135,000 this year. This will be offset somewhat next year when the debt service related to the purchase of the lights kicks in. But for this year we are re-investing the \$135,000 in our capital program.

This year as a result of the water rate hearing before the Utility and Review Board, we are receiving from and re-investing in the Amherst Water Utility, a rate of return allowance of \$80,000. While this is an offsetting item, included in both revenue and expense, it serves to inflate the gross numbers somewhat and is worthy of mention.

Debt service costs are projected to come in at \$927,222 resulting in a healthy ratio of debt to own-source revenue of approximately 6.87%

Mayor's Comments on the Budget:

I, too, want to thank all of those involved in the budget process this year, including the members of Council. This is another exciting year for our town and for this Council. We are putting forward another ambitious capital budget this year. While the carryovers related to the waste water treatment facility inflate the numbers a bit we still propose to spend significant capital dollars in implementing our Downtown Strategy AND in improving infrastructure across the entire town. The details on the proposed capital budget are as follows:

Projects	Estimated Gross Cost with non-recoverable HST included
STRATEGIC PRIORITIES	
Skateboard Park ~ remainder & signage & landscaping (<i>carry over</i>)	105,000
Downtown Action Plan - Phase II (end March 2012)	
Victoria Square Redevelopment	950,000
Victoria Street Paving, Curb & Sidewalk (interlocking Brick SW ext-plantings)	350,000
Victoria Street Landscaping	50,000
LaPlanche Street Gateway Infrastructure	525,000
LaPlanche Street Gateway Landscaping	50,000
Albion /Church Street Gateway Infrastructure	375,000
Albion /Church Street Gateway Landscaping	50,000
Church Street (Interlocking Brick Sidewalk)	400,000
Crosswalk Design Markings	150,000
Electric Street (Interlocking brick sidewalk and asphalt promanade)	350,000
King Street (Interlocking brick sidewalk and asphalt promanade)	350,000
Subtotal	<u>3,705,000</u>
TRANSPORTATION & PUBLIC WORKS	
EQUIPMENT	
New Fuel Dispenser Pump	15,000
Replace 2000 Trackless	130,000
Replace Sidewalk Sander for Trackless 1	10,000
Subtotal	<u>155,000</u>
BUILDINGS	
98 Victoria East (Dominion Bldg) - Renovation & Heating System Assessment & Installation of Controls	235,000
Purchase & Demolish of 85 Church Street (Petro Canada Property)	110,000
Four Fathers Library - Interior Upgrade, carpets, wall coverings, new front counter	50,000
100 Victoria East (BMO Bldg) - New Roof & Clean Up	55,000
Subtotal	<u>450,000</u>
STREETS	
Robie St ~ Havelock to Church (RC)	59,261
Havelock St ~ Victoria to Prince Arthur Overlay	20,000
Cumberland Ridge ~ Widen, Overlay	45,900
Sandstone Crescent ~ Widen, Overlay	61,265
Park St ~ West Pleasant to Mission (CM)	50,000
Southgate Village ~ Drainage Tile & Pulverize and Paving	80,000
Hickman St ~ Park to CNR (CM)	25,000
Rupert St ~ Dickey to Rogers (CM)	58,800
Subtotal	<u>400,226</u>
<i>RC = Reconstruction and paving; CM = Cold mill and Paving; P= Pulverize and paving; O = Asphalt Overlay</i>	
CURBS	
Robie St ~ Havelock to Church (RC) ~ Concrete Curbing	14,815
Cumberland Ridge ~ Concrete Curb	44,100
Sandstone Crescent ~ Concrete Curb	36,135
Rupert St ~ Dickey to Rogers ~ Curb	47,600
Subtotal	<u>142,650</u>
SIDEWALKS	
Robie St ~ Church to Havelock	30,000
Spring St ~ Rupert to Willow (replace asphalt s/w with concrete)	75,000
Wellington St ~ Church to Academy (replace asphalt s/w with concrete)	14,000
Willow St ~ Walter Purdy to Oceanview (replace concrete s/w)	16,000
Subtotal	<u>135,000</u>
STORMSEWER	

Robie St ~ Church to Havelock (separate storm from sanitary)	30,000
Townsvie Court ~ Stormwater Intake	50,000
Rupert Street ~ Dickey Brook Culvert Replacement	90,000
Charles Street ~ Dickey Brook Culvert Replacement	90,000
Belmont Street ~ Church to Havelock (replace corrugated)	10,000
Subtotal	270,000
SANITARY SEWER	
Robie St ~ Church to Havelock	60,000
Replace 1999 GMC 3/4 Ton (Old Mobile 6)	33,000
Church Street ~ East Pleasant to Robert Angus Drive	145,500
Sewage Treatment Plant Construction <i>(carry over)</i>	8,616,110
Sewage Treatment Plant Construction Administration <i>(carry over)</i>	92,200
Wind Turbine <i>(carry over)</i>	300,338
Aboiteau Relocation (if required) carry over funding <i>(carry over)</i>	658,274
Subtotal	9,905,422
CORPORATE SERVICES	
Asset Accounting Software (TCA) <i>(carry over)</i>	20,000
ECONOMIC DEVELOPMENT	
Dickey Park Phase 3 - (Bbq pits, tables, Stage, Shelter, etc).	50,000
Stadium - Expansion/Enhancement of Rear Parking	44,500
Stadium Energy Efficient (Low-e) Ceiling and Lights over Ice	90,000
Industrial Floor Scrubber	14,000
Centennial Trail - Phased Construction Program	25,000
Subtotal	223,500
FIRE DEPARTMENT	
Bldg Improvements-Roof Mounted Heating & Cooling Units duct work	30,000
New 2012 chassis to replace the 1982 chassis	85,000
Subtotal	115,000
POLICE DEPARTMENT	
Camera's for cell block <i>(carry over)</i>	27,600
Generator <i>(carry over)</i>	51,550
Police Facility- Consultant Study	50,000
Freedom Recorder	28,000
Video Surveillance Equipment	30,000
Network Cameras	9,000
Repeater Network	13,000
Subtotal	209,150
GENERAL TOTAL	15,730,948

It is important to note that we are not just spending Amherst municipal tax dollars in our plan – we have leveraged significant provincial and federal dollars for our Downtown Project as well as the Robie Street Reconstruction project. In fact, I'm proud to say that, with the exception of the sewage treatment plant, we are not borrowing a penny for this year's capital program. We've been able to allocate over \$900,000 from this year's operating budget for capital, use gas tax funds, federal and provincial grants and transfers from reserves to fund our plan. That is not to say that we are depleting our reserves; we are projecting a capital reserve fund balance of \$972,000 and an operating reserve fund balance of \$1,081,000 at the end of fiscal 2012. I think that's good news!

We are very proud of our town and will continue to work hard to make this town a great place to live, work and play.

All of this very positive activity does come with a price tag.

Residential and commercial tax rates will remain at last year's levels. Residential \$1.67 and commercial \$4.60.

Cost increases in tipping fees at the Cumberland Central Landfill have necessitated a \$4 increase in the solid waste uniform charge from \$170 to \$174.

As previously mentioned as, the new plant comes on line costs will rise the sewer department, necessitating an increase in that area as residential rates go from 77 to 84 cents per cubic metre, and commercial increases from 38 to 41 cents per cubic metre. This is an area where, quite frankly, we should expect to see further increases next year as the first full year of operating costs of the new sewage treatment plant come on line. The uniform charge for the sewage treatment plant remains at \$28. We project that this will allow us to defray debt service related to the project as well as some of the initial capital costs but it too will very likely increase significantly next year as the debt service related to the plant hits our books.

Before I close, I think that it is important to say that, while we are “holding the line” on the tax rates, taxpayers will pay some more. Staff estimate that the owner of a residential property assessed at \$100,000 last year, using an average amount of 65,000 litres of water paid \$2,288.84 last year. In 2011-2012 that same taxpayer will pay \$2,371.53 in property taxes, uniform charges for sewer and solid waste and consumption based charges for water and sewer. That’s an increase of \$82.69 – less than \$7 per month.

Now, there are a number of Council resolutions necessary to give effect to this budget.

a) 2011-2012 Estimates of Revenues and Expenditures M-1105-16

Moved by Councillor March seconded by Deputy Mayor Baker that Council accept the following estimates of the sums required by the Town of Amherst for the fiscal period ending March 31, 2012, prepared in accordance with Section 72 of the *Municipal Government Act*:

Revenues	
Taxes	\$ 12,749,443
Grants in Lieu of Taxes	306,310
Services Provided to Other Local Gov't	213,410
Sale of Services	1,068,401
Other Revenue from Own Sources	535,152
Unconditional Transfers	1,250,799
Conditional Transfers	322,100
Total Revenues	\$ 16,445,615

Expenditures	
Corporate Services	\$ 4,479,288
Police Services	3,761,394
Fire Protection Services	1,513,112
Transportation & Public works	3,577,891
Planning & Development	1,137,614
Community & Economic Development	1,940,316
Strategic Priorities	36,000
Total Expenditures	\$ 16,445,615

MOTION CARRIED

b) 2011-2012 Tax Rates M-1105-17

Moved by Councillor Angel seconded by Councillor Fawthrop:

WHEREAS total estimated expenditures for the fiscal period are \$16,445,615

AND WHEREAS total estimated revenues, other than taxes to be levied are \$3,696,172

AND WHEREAS the balance of revenues required, \$ 12,749,443 must be rated;

THEREFORE BE IT RESOLVED THAT the tax rates for the Town of Amherst for the fiscal year ending March 31, 2012 are as follows:

Residential	\$1.67 per \$100 of assessment
Non-residential	\$4.60 per \$100 of assessment

AND THAT these taxes are due and payable on September 30, 2011 with interest to be charged on all final tax accounts outstanding on or after October 1, 2011 at the rate of 1% per month, 12% per annum.

MOTION CARRIED

- c) Sewer Rates Resolution M-1105-18
 Moved by Councillor March seconded by Councillor Bird :

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:

- Metered Customers
 Those owners whose water service is metered shall pay a usage charge:
 - Residential: \$0.84 per cu. meter of metered water consumption as determined by the Amherst Water Utility;
 - Commercial/Industrial/Institutional: \$0.41 per cu. meter of metered water consumption as determined by the Amherst Water Utility.
- Non-Metered Customers
 For non-metered customers in unmetered mobile home parks, the park owner shall pay \$151.30 per dwelling unit per annum.

For unmetered residential customers, there shall be a flat charge of \$227.32 per annum.

MOTION CARRIED

- d) Sewage Treatment Plant Uniform Charge M-1105-19
 Moved by Deputy Mayor Baker seconded by Councillor March:

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2012, an amount to be raised and transferred to reserves for the capital cost of a new sewage treatment plant, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 4,059 eligible property assessments within the boundaries of the Town of Amherst; and

WHEREAS the Council may, under paragraph 75(4)(a) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each property assessment in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$28.00 be levied for the fiscal year ending March 31, 2012 on each property assessment within the boundaries of the Town of Amherst on residential and commercial properties, excluding vacant residential and commercial properties with their own assessment account number that are under 10 meters in width, and excluding properties that do not have municipal street frontage, and that these uniform charges are due and payable on September 30, 2011 with interest to be charged on all final tax accounts outstanding on or after October 1, 2011 at the rate of 1% per month, 12% per annum.

MOTION CARRIED

- e) Solid Waste Management Uniform Charge M-1105-20
 Moved by Councillor Fawthrop seconded by Councillor Angel:

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2012, the amount of \$549,510 to be expended for the purpose of solid waste management, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 3,158 dwelling units within the boundaries of the Town of Amherst in residential premises with less than four such dwelling units; 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 property assessment in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$174.00 be levied for the fiscal year ending March 31, 2012 on each dwelling unit within the boundaries of the Town of Amherst in residential premises with less than four such dwelling units, and that these uniform charges are due and payable on September 30, 2011 with interest to be charged on all final tax accounts outstanding on or after October 1, 2011 at the rate of 1% per month, 12% per annum.

MOTION CARRIED

- f) DARS Area Rates M-1105-21
 Moved by Deputy Mayor Baker, seconded by Councillor Angel:

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2012 the amount of \$43,449 to be disbursed to the Downtown Amherst Revitalization Society to be used for the benefit of the downtown area, a purpose for which the Town may expend funds;

AND WHEREAS the taxable assessment in the area formerly known as the Amherst Business Improvement District Commission area is as follows:

Commercial	\$16,008,400
Business Occupancy	\$1,163,200

AND WHEREAS the Council may, under subsection 75(2) of the *Municipal Government Act*, recover annually from the area as much of that sum as Council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessment in the area;

THEREFORE BE IT RESOLVED THAT an area rate be levied for the fiscal year ending March 31, 2012 as follows:

Commercial	\$0.23 per \$100 of Assessment
Business Occupancy	\$0.57 per \$100 of Assessment

on all commercial and business occupancy assessment in the area formerly known as the Amherst Business Improvement District Commission area and that these taxes are due and payable on September 30, 2011 with interest to be charged on all final tax accounts outstanding on or after October 1, 2011 at the rate of 1% per month, 12% per annum.

MOTION CARRIED

- g) General Borrowing Resolution M-1105-22

The following borrowing resolution was moved by Councillor March seconded by Councillor Bird to authorize the borrowing of certain moneys from the Royal Bank of Canada to meet the current expenditure of the Corporation of the Town of Amherst (hereinafter called "the Corporation") for the year ending March 31, 2012;

WHEREAS it is necessary to borrow the sum of \$2,000,000 (two million dollars) from the Royal Bank of Canada to meet the new current expenditures of the Corporation until such time as the taxes to be levied therefore can be collected;

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation as follows:

1. THAT the Mayor and the Treasurer of the Corporation be, and they are hereby authorized under the seal of the Corporation to borrow from the Royal Bank of Canada up to the sum of \$2,000,000 (two million dollars) as the same may be required from time to time to meet the now current expenditures of the Corporation which said expenditures has been duly authorized by Council; and
2. THAT the said Mayor with the Treasurer aforesaid, be, and they are hereby authorized to pay or allow to the said bank, interest on the sum of \$2,000,000 (two million dollars) at a rate of Royal Bank Prime minus ¼% per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best; and

3. THAT the said sum of \$2,000,000 (two million dollars) so to be borrowed shall be made payable on or before the 31st day of March, 2012, and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st day of March, 2012, may be renewed by the said Mayor and Treasurer from time to time, but no renewal thereof shall fall due later than the said 31st day of March, 2012; and
4. THAT the said promissory note or notes of the Corporation, sealed with the corporate seal and signed by the Mayor and Treasurer of the Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution; and
5. THAT giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only in indebtedness.

MOTION CARRIED

- h) **2011-2012 Capital Budget** **M-1105-23**
 Moved by Deputy Mayor Baker seconded by Councillor Fawthrop that Council approve the 2011-2012 General Capital budget as presented, totaling \$15,730,948 to be funded as follows:

Capital borrowing	\$ 3,720,358
Capital from revenue	921,122
Transfers from reserves	621,842
Grants	6,869,269
Federal Gas Tax	3,115,583
Fundraising	34,500
Capital Reserve Carryover Items	448,274
Total	\$ 15,730,948

And further, that Council approve in principle, the following General Capital budgets:

Fiscal Year	Total Amount
2012 – 2013	\$ 7,923,450
2013 – 2014	1,061,000
2014 - 2015	1,655,000
2015 – 2016	493,000

MOTION CARRIED

To be clear, this motion contemplates the approval of the amounts for the years 2012-2013 to 2015-2016 for planning purposes only; this is not the authority to spend, nor is it necessarily the final and complete listing.

- i) **Temporary Borrowing Resolution** **M-1105-24**
 Moved by Councillor Fawthrop seconded by Councillor March:

WHEREAS Section 66 of the *Municipal Government Act* provides that the Town of Amherst, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations, may borrow to expend funds for capital purposes authorized by statute;

AND WHEREAS clause 65 of the *Municipal Government Act* authorizes the Town of Amherst to expend funds for the capital purposes of:

- Wastewater facilities;
- A system for the supply or distribution of electricity (Wind Turbine);

AND WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A";

BE IT THEREFORE RESOLVED THAT under the authority of Section 66 of the **Municipal Government Act**, the Town borrow a sum or sums not exceeding four million two hundred forty-nine thousand three hundred fifty-seven dollars (\$4,249,357) for the purpose set out above, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

THAT the sum be borrowed by the issue and sale of debentures of the Town to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the *Municipal Government Act* and that the Town borrow from time to time a sum or sums not exceeding four million two hundred forty-nine thousand three hundred fifty-seven dollars (\$4, 249,357) in total from any chartered bank, trust company or the Nova Scotia Municipal Finance Corporation doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve Months (12) from the date of the approval of the Minister of Service Nova Scotia and Municipal Relations of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

MOTION CARRIED

5. INFORMATION / DISCUSSION ITEMS

6. STRATEGIC PRIORITIES

7. INTERNAL COMMITTEE REPORTS

7.1 Planning Advisory Committee

Councillor March presented the following report on behalf of the Planning Advisory Committee:

A Planning Advisory Committee meeting was held on May 16, 2011.

The main topic of the meeting was the consideration of amendments to the Municipal Planning Strategy and Land Use By-law to implement the recommendations of the Centre First – Downtown Action Strategy. The Committee gave direction to:

- A) Prepare amendments which will prohibit gas stations and drive thru businesses within the “Downtown Mixed Use Zone”
- B) Prepare amendments which will allow gas stations and drive thru businesses within the ‘outer’ Downtown District (not Victoria, Church or Havelock Street)
- C) Determine the consultant’s rationale for excluding the ‘Promenade’ from the Downtown Mixed Use Zone.

In addition the Committee passed a motion to recommend that uses such as offices and financial institutions continue to be permitted within the Highway Commercial Zone. As this recommendation supports the status quo, it will be forwarded to Council along with the amendments being considered in (A) and (B) above.

On May 9th a public participation session was held in order to gauge community interest in expanding the requirements for architectural control on the East Victoria / Regent / Rupert Streets area to include renovations to existing buildings and a potential Heritage Designation under the Heritage Properties Act. Kevin Barrett from the Nova Scotia Department of Communities Culture and Heritage was brought in to speak to the topic of a heritage district. There was a lot of good discussion on the issue with a lot of questions raised by residents. Some residents were opposed to the idea while others were in support. All residents asked for additional information.

Given the response of the public in attendance, a work plan will be developed with an aim to providing residents the information they need in order to determine if they want to move forward with the process. At this meeting it was stressed that this process was being driven by a request from some residents of the area, and that, should it be determined that the required level of support is not there, the Town will not continue to pursue the issue.

A public participation session is scheduled for the evening of June 6th for the **Downtown** Design Guidelines.

7.2 Amherst Board of Police Commissioners - Nil Report

7.3 Dangerous or Unsightly Premises Committee - Nil Report

7.4 Youth Advisory Committee

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

The Youth Advisory Council last met for their regular monthly meeting on May 2, 2011. Francis Smith was present on behalf of the Lions Club to discuss plans for the Skatepark Grand Opening.

The Grand Opening is being held May 28 from 12:00 noon – 6:00 PM. A disc jockey will be present, a BBQ will be provided by the Amherst Lions Club, a professional skate team from Bordertech will be doing a demonstration, and skate competitions will be held with two divisions: elementary and junior high/high school aged youth. Prizes will be awarded for top three performers in each division. Hand outs with information concerning the opening have been distributed to all local schools (ARHS, EBC, Spring St Academy, West Highlands and Cumberland North).

The Youth Advisory Council had a county wide Youth Forum targeted to take place on May 11; however due to commitments by youth on various Youth Town Councils, this event will be postponed until the fall when schedules are less hectic.

Pending use of equipment from the Fire Hall, the Youth Advisory Council will host a fundraiser car wash June 11 in the Town Square Mall parking lot.

The next monthly meeting is scheduled for Monday June 6, 2011 in Council Chambers.

7.5 Tree Advisory Committee – Nil Report

7.6 Heritage Advisory Committee - Nil Report

8. EXTERNAL COMMITTEE REPORTS

8.1 Cumberland Public Libraries

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

Summer is just around the corner

Summer is a busy season for the libraries in the County. We'll be running our annual Summer Reading Clubs for all ages. The theme for the younger kids is Splash! There will programs throughout the summer and some fun prizes. Check with the library starting June 20th to sign up. The Amherst kick-off party will be June 28th with games, snacks, story and more. Not to be left out, there are also prizes for teens and adults who read throughout the summer. Check with the library or see our website (www.cumberlandpubliclibraries.ca) to find out how to win.

Author visit

Helaine Becker, Hackmatack nominated author, visited the Amherst library on May 12th and read to over 150 students from Spring Street Academy, West Highlands Elementary, and Cumberland North Academy. The children listened with interest and asked questions about becoming a writer and getting ideas.

8.2 CREDA - Nil Report

8.3 DARS - Nil Report

8.4 CJSMA

Deputy Mayor Baker presented the following report on behalf of the CJSMA:

The CJSMA By-law Development Committee has completed the draft Solid Waste By-law to be used as a model for each municipal unit in Cumberland County. This by-law has been circulated to each unit for consideration. The Town of Amherst has recently adopted a version of this new by-law.

CJSMA staff will shortly be commencing an education program on the new Solid Waste Bylaw for the Town. Aspects of this program include an open house for residents and businesses, a newsletter to be distributed to all residents, a meeting to be held with commercial haulers, and individual businesses and business associations will be contacted for educational purposes.

Repairs to the roof of the compost building which was damaged by a wind storm in November of 2010 are moving forward.

At a meeting held May 19, 2011 the CJSMA Committee adopted a new salary administration policy for employees of the CJSMA.

535 residents participated in the annual compost giveaway.

The CJSMA enforcement officer is conducting audits of our residential green carts. We are having a problem with residents placing bags of residual garbage within the green cart on pickup day. Violators have been issued warnings to discontinue this practice. In future weeks violators will have their compost and residual garbage rejected.

8.5 Northern Region Waste Resource Committee – Nil Report

8.6 Cumberland YMCA

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

We are excited to open and welcome our community members to the new Wellness Centre at the Cumberland YMCA. Our current members now have access to a space specifically designed to further accommodate their physical activity needs from an individual and group fitness setting. Our newly renovated multi-level space boasts a rejuvenated Weight Room, renovated Gymnasium, and a new designated Cardio Room and Fitness Studio.

Our Weight Room will be accompanied with new equipment pieces to further accommodate the needs and desires of our individual conditioning members. Group Fitness has recently struck a high with our schedule that offers 40+ fitness classes weekly and will be delivered in our gymnasium and fitness studio. This shared space is also used to deliver our Youth Programming Activities such as Afterschool, Dance! Dance! and Soccer Stars.

Our facility is buzzing with excitement and we would like to share this experience with our community members at large of Cumberland County. The scheduled Grand Opening and AGM is June 21st. Facility tours will be available from 5:30 – 7:00pm with the AGM to follow. We are delighted to be sharing this wonderful space with our members and community and invite all of you to attend and be part of the forward progression of the Cumberland YMCA.

8.7 LA Animal Shelter

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

Citizens of Amherst are reminded that if they own a dog they are required to have it licensed as of April 1, 2011. The licensing fee is \$15 or \$30 if it is not spayed or neutered. You may obtain the dog license at Amherst Town Hall or at the LA Animal Shelter. When registering your dog please bring written proof that the dog has been spayed or neutered. To date 127 dogs have been licensed. It should be noted that all licensing fees, up to \$10,000, go directly to the LA Animal shelter to assist in operating expenses. When you purchase a license you are not only assuring the safety of your dog, should it be running at large, you are making a contribution to the LA Animal Shelter to help defray operating costs.

On Sunday, May 29, the LA Animal Shelter will sponsor a dog walk in memory of Jessie Payne. Jessie was a 26 year old native of Little River who died IN September 2008 after suffering a massive epilepsy seizure. His sister Alicia and her family have held an annual memorial tribute to Jessie since his death. The walk will be held at Rotary Park on Willow Street and will commence at 2:00 pm rain or shine. Participants will walk from Willow Street to Donald Avenue, Church Street to Victoria Street back to the Rotary Park on Willow Street, approximately five km. Following the walk a hotdog barbecue will be held for the participants.

The registration fee for the walk is \$10 for adults and \$5 for youth under 18. You may register at the park on Sunday or obtain a registration form and pledge sheet at Amherst Town Hall, Amherst Vet Clinic, Dogs to Divas, Terry Lee's Clips and Pets Unlimited.

Bring your dog or dogs, as well as family and friends, and also don't forget to wear something red for yourself and for the dog to help make the event more colorful

8.8 VON – Nil Report

9. ADJOURNMENT

Mayor congratulated Poly Cello on their fantastic job at waste reduction – top of the scale in terms of how they generate revenues from waste coming from their facility. He extended appreciation to the Town of Sackville – meet again June 15 in Amherst to discuss common issues – sharing information and promotion. Congratulations to Scott Armstrong on behalf of Council on his recent election win – look forward to working with him again.

On motion by Councillor March the meeting adjourned at 8:40 PM.

APPROVED:

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor

Regular Council Meeting
Tuesday, May 24, 2011 at 7:00 PM

AGENDA

1.	O'CANADA		
2.	HEARINGS / PRESENTATIONS / PETITIONS		
2.1			
3.	CALL TO ORDER	Presenter	Page
3.1	Additions to Agenda		--
3.2	Approval of Agenda	Baker	--
3.3	Approval of Minutes: April 26, 2011 Regular Meeting of Council	Baker	2
4.	REQUESTS FOR DECISION	RFD	Presenter
4.1	By-law at 2 nd Reading: Building By-law	2012009	March
4.2	By-law at 2 nd Reading: Vacant Building By-law	2012010	March
4.3	Policy Repeal: Smoking Policy	2012011	Baker
4.4	Policy Amendment: User Fees Policy	2012012	Angel
4.5	Policy Amendment: Tax Reduction Policy	2012013	Bird
4.6	Agreement: Cumberland YMCA – Summer Swim Programs	2012014	Fawthrop
4.7	Tender: Victoria Street Redevelopment	2012015	March
4.8	Funding Requests:		
	A Cumberland Car Club	2012016	Baker
	B Firefighter Combat Challenge	2012017	Angel
	C Piece by Piece Autism Association	2012018	Bird
	D Special Olympics	2012019	Fawthrop
	E Zonta	2012020	March
4.9	Budget		
	A 2011-2012 Estimates of Revenues and Expenditures		87
	B 2011-2012 Tax Rates		88
	C Sewer Rates Resolution		89
	D Sewage Treatment Plant Uniform Charge		90
	E Solid Waste Management Uniform Charge		91
	F DARS Area Rates		92
	G General Borrowing Resolution		93
	H 2011-2012 Capital Budget		94
	I Temporary Borrowing Resolution		96
5.	INFORMATION / DISCUSSION ITEMS		
5.1		--	--
6.	STRATEGIC PRIORITIES		
6.1		--	--
7.	INTERNAL COMMITTEE REPORTS		
7.1	Planning Advisory Committee		March
7.2	Amherst Board of Police Commissioners		Nil Report
7.3	Dangerous or Unightly Premises Committee		Nil Report
7.4	Youth Advisory Council		Bird
7.5	Tree Advisory Committee		Nil Report
7.6	Heritage Advisory Committee		Nil Report
8.	EXTERNAL COMMITTEE REPORTS		
8.1	Cumberland Public Library		Angel
8.2	CREDA		Nil Report
8.3	DARS		Nil Report
8.4	CJSMA		Rhindress
8.5	Northern Region Solid Waste		Nil Report
8.6	Cumberland YMCA		Fawthrop
8.7	L. A. Animal Shelter (Verbal)		Angel
8.8	VON		Nil Report
9.	ADJOURNMENT		