

Regular Council Meeting Minutes

Date of Meeting: Monday, November 26, 2012
Location: Council Chambers, Town Hall

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

Staff Present: Greg Herrett, CAO
 Vince Arbing, Treasurer
 Roger MacIsaac, Director CED
 Jason MacDonald, Director of Planning
 Ben Pitman, Director TPW
 Bill Crossman, Fire Chief
 Ian Naylor, Deputy Police Chief
 Rebecca Purdy, Executive Assistant
 Kim Jones, Policy and HR

1. O'CANADA
2. HEARINGS / PRESENTATIONS / PETITIONS
3. CALL TO ORDER

Mayor Small called the meeting to order at 7:00 PM, this being the first regular meeting of Council in the new facility.

3.1. Amendments to the Agenda

3.2. Approval of the Agenda

Moved By: Deputy Mayor George Baker
Seconded By: Councillor Terry Rhindress
That the agenda be approved as circulated.

Motion Carried

3.3. Approval of Minutes

Moved By: Councillor Terry Rhindress
Seconded By: Councillor David March
That the minutes of the following meetings be approved as circulated:
 - September 24, 2012 Regular meeting
 - October 31, 2012 Special meeting
 - November 5, 2012 Special meeting
 - November 14, 2012 Special meeting

Motion Carried

4. REQUESTS FOR DECISION

4.1. MPS Amendment P-1-4 re Design Guidelines

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Lisa Emery

That Council approve first reading of a By-law to amend the Municipal Planning Strategy By-law, P-1-4 with the suite of changes required to implement the Centre First Downtown Amherst Action Strategy, and schedule a public hearing on the matter for Monday, January 28, 2013 at 7:00 PM in Council Chambers, Dominion Public Building.

Motion Carried

TOWN OF AMHERST BYLAW TO AMEND THE MUNICIPAL PLANNING STRATEGY

1. The purpose of this by-law is to amend the Municipal Planning Strategy of the Town of Amherst with respect to Design Guidelines and Policy to implement the Downtown Amherst Centre First Action Strategy.
2. The Municipal Planning Strategy of the Town of Amherst is hereby amended as follows:

AMENDMENT A

Include **Sustainability**, section **3.10** in the **Table of Contents**.

AMENDMENT B

Add the following Objective to section **3.3 Commercial**:

- (g) **To transform the Downtown into a vibrant commercial, civic, cultural and shopping destination for Town residents and visitors through beautification, enhancement, and creation of a comfortable, safe and vital pedestrian environment.**

AMENDMENT C

Change the term "**Downtown Commercial**" Zone to "**Downtown**" Zone throughout the entire Municipal Planning Strategy document.

AMENDMENT D

Revise **Policy CP-13 DA Automobile Uses in Downtown Zone** to read as follows:

Within the Downtown zone, it shall be the intention of Council, in areas where automobile uses are permitted, to require that all motor vehicle related uses, including but not limited to, motor vehicle repair, sales and fueling stations, as well as any drive thru establishment, be subject to a Development Agreement. In negotiating such an agreement Council shall:

- (a) **ensure that the development provides sufficient on-site parking, and appropriate access to, and egress from the street;**
- (b) **ensure that the location of parking facilities does not dominate the surrounding area, including the utilization of vegetation and fences to mitigate the aesthetic impacts of parking lots;**
- (c) **ensure that any on site outdoor lighting does not negatively impact the surrounding properties;**
- (d) **require the use of vegetation to improve the aesthetic quality of the development.**

AMENDMENT E

Revise **Policy CP-3 Downtown Zone** to read as follows:

It shall be the intention of Council to include in the Land Use Bylaw a Downtown zone. This zone shall be applied to the downtown commercial core and permit a range of commercial and residential uses appropriate to the unique character of the area.

It shall be the intention of Council to include a Mixed Use District and Core Area District within the Downtown zone to ensure new development, additions and alterations to the exterior of existing developments shall be consistent with the Downtown Districts Design Requirements which are Schedule C of the Land Use By-law.

It shall further be the intention of Council to include in the Land Use Bylaw provisions to regulate signage, setbacks, building height and bulk, parking within the Downtown zone.

AMENDMENT F

Add new section **3.10 Sustainability**:

3.10 Sustainability

Objectives

- (a) To promote the Downtown Zone as a place for living, working and playing.
- (b) To establish and promote a compact, walkable, mixed use core in favour of large lot sprawl development.
- (c) To encourage significant growth in Downtown residential development so that more people can work, live, learn and play within a self contained area.

SUSTAINABILITY POLICIES

Residential Development	SP-1 It shall be the intention of Council to encourage high density residential development in the Downtown Zone
Residential Development	SP-2 It shall be the intention of Council to encourage multi-unit residential on the upper floors in the Downtown Zone.
Access and Connections	SP-3 It shall be the intention of Council to provide public access to parks, green spaces, and trail connections in the Downtown Zone.
Active Transportation	SP-4 It shall be the intention of Council to encourage Active Transportation through implementation and maintenance of Active Transportation facilities

4.2. Amend Procurement Policy

Moved By: Councillor Robert Bird

Seconded By: Councillor David March

That Council approve the amended Purchasing Policy #3700-01, which includes renaming it Procurement Policy, as recommended.

Motion Carried

TOWN OF AMHERST – PROCUREMENT POLICY - #3700-01

1) Policy Statement

The purpose of this policy is to establish transparent procurement guidelines to ensure the most cost effective and cost efficient methods are used to provide best value for the procurement of goods, services and construction for the Town.

The Town of Amherst will conduct procurement practices in compliance with all Provincial legislation, International, National and Regional Trade Agreements, including the Nova Scotia Public Procurement Act and any amendments thereto.

2) Definitions

- a) Alternative Procurement (ALTP)- the procurement of goods, services and construction without a competitive process due to certain conditions/situations.

- b) Best Value- bids will be evaluated on the purchase price while also taking into consideration other factors, if applicable, such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in the requesting documents.
- c) Bid - a supplier's response to a Request for Quotation (RFQ), Request for Construction (RFC), Tender, Request for Proposal (RFP), Request for Expression of Interest (REI) or a Two Phase Bid to provide goods, services or construction.
- d) Local Preference Area – all suppliers located within the County of Cumberland and the Town of Sackville, New Brunswick, plus a ten (10) mile radius outside of Sackville New Brunswick's town boundaries.
- e) Public Request for Submission - refers to inviting responses to tenders, request for proposals, two phase bids, request for construction, request for expression of interest and request for standing orders.
- f) Purchase Card-a corporate visa card for the Town of Amherst with various restrictions and limits based on the cardholder.
- g) Purchaser –a Town of Amherst employee with the authority to purchase goods.
- h) Request for Construction (RFC)-used to publicly tender for a construction, reconstruction, demolition, remediation, repair or renovation of a building, structure, road, bridge or other engineering or architectural work.
- i) Request for Expression of Interest (REI)- process in which suppliers are invited to propose a solution to a problem and then those chosen are asked to respond to a subsequent Request for Proposal.
- j) Request for Quotations (RFQ)- informally obtaining price quotations from a number of different suppliers.
- k) Request for Proposal (RFP)- a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Town of Amherst.
- l) Purchase Requisition/Purchase Order-an electronically generated document for the supply of goods or services from an approved vendor.
- m) Standing Offer- a contractual arrangement with a supplier to provide certain goods or services on an "as required" basis, during a particular period of time, at a predetermined price or discount, generally within a predefined dollar limit.
- n) Sustainable Procurement- involves taking a holistic approach to obtain best value by integrating the following considerations in the procurement process:
 - Environmental considerations: e.g. Green House Gas Reduction, Waste Reduction, Toxic Use Reduction;
 - Economic considerations: e.g. Life Cycle Cost, Fiscal Responsibility, Support for the Local Economy;
 - Social considerations: e.g. Employee Health and Safety, Inclusiveness and Fair Wage, Health Promotion.
- o) Tender- a formal request to solicit for goods, services or construction obtained through posting on the Town of Amherst and the Provincial websites.
- p) Two Phase Bid- a two stage process in which suppliers submit proposals for evaluation, and separately submit prices.

3) Guiding Principles

The following principles will guide the procurement practices of the Town of Amherst:

- a) Procurement policy and procedures should provide the most efficient and effective methods resulting in best value for the Town.
- b) The procurement process is to ensure a fair, open, consistent and transparent process in the acquisition of goods, services and construction.
- c) Procurement methods are to encourage competition, innovative ideas and solutions, wherever possible, while respecting all legislative and trade agreement obligations for the supply of goods services and construction.

- d) Procurement policy provides for the use of suppliers, who can be expected to provide satisfactory performance, based on, but not limited to:
 - (i) past performance and/or previous contacts
 - (ii) financial and other resources to complete the contract bid;
 - (iii) references
- e) Promoting the use of Sustainable Procurement when evaluating bids by striving to obtain best value, taking into consideration environmental, economic and social considerations.
- f) This policy does not apply to payments for reoccurring items such as utilities, leases, rentals and similar reoccurring operating charges, while recognizing that in some circumstances, the initial commitment that leads to these ongoing payments is subject to the provisions of this policy.

4) General

- a) This policy applies to all departments, agencies, boards and commissions of the Town of Amherst over which the Town has jurisdiction.
- b) The procuring of goods, services and construction will be facilitated by the Director in conjunction with the Procurement Coordinator according to this policy.
- c) The Town of Amherst will be under no obligation to accept any bid received which is considered to be not in its best interest, in response to a verbal or written request.
- d) The Town may work with other levels of government, other municipal units, other agencies, boards and commissions, and associations such as the FCM (Federation of Canadian Municipalities) and UNSM (Union of Nova Scotia Municipalities) to encourage standardization of items and/or reduce overall costs to the Town for joint purchasing.

5) Authority of the Chief Administrative Officer

- a) The Chief Administrative Officer (CAO) may authorize the procurement of goods, services and construction that are less than \$30,000, provided such purchases are made in accordance with this policy and fall within the thresholds established within The Atlantic Procurement Agreement and all subsequent amendments thereto, and are included within the approved budget.
- b) The CAO may authorize procedures consistent with this policy and may delegate the authority under this policy.

6) Purchasing Guidelines

The following guidelines will be followed for the procurement of goods services and construction for the Town:

- a) Up to \$2,000 - For purchases that are random in nature, purchaser will use standing offer if one exists. Otherwise, purchases may be purchased by the department using a purchase order or Town of Amherst purchase card in accordance with the Guiding Principles of this policy.
- b) More than \$2,000 but less than \$15,000- Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations and attach them to the Request for Quotation form. This form must be completed and authorized by the CAO (or designate) and then given to the Procurement Coordinator for filing. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.
- c) More than \$15,000 but less than \$25,000 - Where three or more suppliers exist, purchaser will attempt to solicit at least three written quotations, and attach them to the Request for Quotation Form. This form must be completed and authorized by the CAO (or designate) and then given to the Procurement Coordinator for filing. The Purchaser will post these opportunities on the Town of Amherst website. Award will be to the supplier offering best value. Funds are to be clearly identified in the approved operating or capital budget.

If there is a possibility that the value will be over \$25,000 and/or you are uncertain of the exact requirements of this request you should use other methods of procuring such as RFP's and Tenders. These would be posted on both the Amherst and the Provincial website. This decision would be made by the Director in conjunction with the Procurement Coordinator.

- d) \$25,000 or greater - the Purchaser will issue a public request for submissions (see Definitions, Section 2-e) by posting on the Town of Amherst website and the Nova Scotia Procurement web portal. Documentation must state if submissions received are to be

acknowledged at a public opening at a designated place, date and time. After bids are evaluated they are to be forwarded to the CAO, or Council for approval on the recommendation of the CAO. Funds are to be clearly identified in approved operating or capital budget.

7) Methods of Procurement

All procurement activity must be obtained through one of the following methods:

- a) Tender- A formal invitation to solicit competitive bids. It is used when detailed specifications are available that permit the evaluation of tenders against clearly stated criteria and specifications. A request for tenders is a formal, competitive, sealed bidding process. Bid deposits and performance security may be required. The award is normally to the lowest bid received from a qualified bidder meeting the requirements of the tender and providing best value. Tender purchases shall be made by purchase order. Tenders must be opened in the presence of at least one elected official and the CAO or his/her designate at a time and location that is open to the public.
- b) Request for Proposal- A request for proposal is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet specific needs of the Town. It is used when a supplier is invited to propose a solution to a problem, requirement, or objective. Unlike tenders, Request for Proposals are evaluated against stated criteria to the terms of the RFP to determine if any should be accepted.

Negotiations with suppliers may be required to finalize any aspect of the proposal provided such discussion and negotiations are conducted to:

- (1) Award equitable treatment to each qualified bidder with respect to an opportunity for discussion and the revision of the proposal.
- (2) Prevent the disclosure of the proposal content of one bidder to another.

Proposals submitted in response to a request for proposal need not be opened in public. A list of the submissions will be available to the public and the proponents upon request. An award of a contract based upon a request for proposals will be made to the supplier, whose proposal has the highest score based upon the criteria for evaluation set out in the request for proposals and equitably applied to all proposals. RFP purchases shall be made by purchase order.

- c) Request for Quotation- A request for quotation is an informal request for prices for goods and services that the purchaser will attempt to solicit from at least three (3) different suppliers. This process is normally used where bid deposit and performance bonds are not required and where the cost of the work does not warrant the time and level of effort and expense required for a normal tender process. Quotations should be in written form and attached to the Request for Quotation form which must be completed and given to the Procurement Coordinator for filing once it has been awarded.

If a quote is obtained verbally, the person obtaining it must document the quotation, including time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation. The RFQ form should be used for documentation purposes. RFQ purchases shall be made by purchase order.

- d) Standing Offer – A tender process to guarantee a continuous supply of various goods, services or construction at a specific price for a specific period of time. The term of the standing offer can vary in duration but will be clearly defined in the tender documents. Standing Offers of the Government of the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Town of Amherst.
- e) Two Phase Bids- Where detailed specifications are not available or it is impractical to prepare a specification based on price, a two phase bid may be issued, inviting for the submission of bids as follows:

Phase One- Pre-qualification step in which bidders submit proposals/expressions of interest in response to basic terms of reference for evaluation; need not be opened in public

Phase Two- Only those bidders whose submissions were determined to be acceptable in Phase One will be invited to submit priced bids for further consideration. Phase Two bids must be opened in public.

This type of purchasing has the advantage of a request for proposal in Phase One and the advantages of a tender in Phase Two. Two phase bid purchases shall be made by purchase order.

- f) Request for Expression of Interest: This process is similar to the Request for Proposal and is sometimes referred to as a Pre-Qualification, where suppliers are invited to propose a solution to a problem. The REI, however, is only the first stage in the procurement process. Bidders responding to the REI will be short listed according to their scoring in the evaluation process. The short listed firms will then be invited to respond to a subsequent Request for Proposal. A REI does not normally include pricing as price is a key evaluation criteria used in the second stage RFP process.
- g) Request for Construction- Used to publicly tender for a construction, reconstruction, demolition, remediation, repair, or renovation of a building, structure, road, bridge, or other engineering or architectural work. When a supplier is invited to bid on a construction project the tender documents usually contain a set of terms and conditions and separate bid form that apply to that specific project. Suppliers are requested to submit a response (bid) in accordance with predefined criteria. The selection of the successful proposal is based on a number of factors as described in the tender documents. A request for construction usually does not include professional consulting services related to the construction contract, unless they are included in the specifications.
- h) Negotiations - Negotiations with suppliers for the supply of goods and/or services would take place when any of the following conditions exist:
- (a) Due to market conditions, goods and/or services are in short supply;
 - (b) There is only one source of the goods or services;
 - (c) All bids received are non-compliant or exceed the amount budgeted for the purchase;
 - (d) The extension or reinstatement of existing contract would be more cost effective or beneficial to the Town providing the extension has been outlined in original documents. The extension or reinstatement of existing contract is subject to the approvals listed in section 9 – Award of Contracts.
- i) Alternative Procurement
In certain circumstances, described in this section, the Town may purchase goods, services and construction without using one of the options set out above. An alternative procurement purchase may occur.
- (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures. An emergency purchase occurs when a situation creates immediate and serious need which may not be reasonably met by any other procedure and includes without limitation:

A condition where lack of supplies or services may adversely affect the functioning of civic government, threaten public or private property or the environment, or jeopardize the health or safety of the public;

Emergency purchases are completed using the most expedient method, but will take economy into consideration.

Emergency purchases must be pre-approved by the CAO (or designate) where such approval may be reasonably sought.
 - (b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
 - (c) Where compliance with the open tendering provisions set out in this policy would interfere with the Town of Amherst's ability to maintain security or order or to protect human, animal or plant life or health;
 - (d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
 - (e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;
 - (f) Where there is an absence of competition for technical reasons and the goods or services can only be supplied by a particular supplier and no alternative or substitute exists;

- (g) For the purchase of goods on a commodity market;
- (h) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
- (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor:
- (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for routine purchases;
- (l) For the purchase of goods under exceptionally advantages circumstances such as bankruptcy or receivership, but not for routine purchases;
- (m) For the procurement of original works of art;
- (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
- (o) For the procurement of real property;
- (p) For the procurement of goods intended for resale to the public;
- (q) For the procurement from charitable institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
- (r) For procurement from a public body or non-profit organization; or
- (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.

**When an alternative procurement purchase occurs, the reason for doing so must be documented using the Alternative Procurement (ALTP) form.

8) Local Preference

If the goods, services or construction available from a local business are equal in providing best value to those available from a non-local business, the goods, services or construction from the local business shall be purchased.

In evaluating which goods, services or construction offer best value to the Town of Amherst, the Town shall apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods, services or construction offer best value.

In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:

- a) goods that have a value of \$25,000 or greater;
- b) services that have a value of \$50,000 or greater;
- c) construction that has a value of \$100,000 or greater.

All requests for quotations and public requests for submissions must state that local preference applies to the procurement.

9) Award of Contracts

- a) Awards of \$30,000 and greater shall be presented to Council for approval.
- b) Awards less than \$30,000 may be approved by the CAO in conjunction with the user department:
 - i) Where the funds and program have been approved by Council as part of the annual business planning and budget process and the expenditure will not result in an over-expenditure of the entire budget.
 - ii) Where the purchase was the result of a public purchasing process conforming to the Town's procurement policy and The Atlantic Procurement Agreement.

- iii) Where the purchase is awarded to the supplier providing best value and meeting specifications.
- iv) Where the award of a Request for Proposal is made to the highest scoring qualified proponent based upon evaluation criteria within the Request for Proposal.
- v) Where the award does not exceed the limits established in the Atlantic Procurement Agreement for the purchase of goods, equipment, services or construction.
 - a) Where the award does not exceed \$10,000 for consulting services.
 - b) Where there is no legislative requirement to obtain Council approval.
 - c) Awards over the value of \$30,000 will be submitted to Council for approval.
 - d) A quarterly report to Council of awards of contracts under the value of \$30,000 approved by the CAO or designate shall be made available to Council and shall show the name of the contract, the name of the successful bidder, the amount of the award, any person or company to whom a single or sole source has awarded, and the budgetary provision.

The CAO may, at his sole discretion, forward any decision for award to Council.

- c) All bids are subject to evaluation after opening and before award of contract. The bid request documents must clearly identify the requirements of the procurement, the evaluation method, evaluation criteria based on the purpose and objectives of this policy, and the weights assigned to each criterion.
- d) Where award is over the limits established in the Atlantic Procurement Agreement for the purchase of goods, services and construction, award amount and company name is to be posted on the Provincial Procurement Web Portal.

10) Documentation Requirements

The following documents are required in order to work on Town of Amherst property:

Workers Compensation Board (WCB)- WCB certificates are required any time a service and/or construction project is being completed on Town of Amherst property. The proponent MUST provide a valid WCB certificate prior to the commencement of any work. This certificate will state what employees are covered and when the coverage expires. If the WCB certificate expires before the project is finished then the replacement certificate MUST be received in order for the work to continue. Town of Amherst employees have the right to stop any work in progress if an up to date WCB certificate is not provided.

Liability Insurance - Proponents must provide a valid certificate from their insurance company with the Town of Amherst named and added under Additional Insured for liability purposes with at least \$2,000,000 liability coverage. This certificate must be provided before the commencement of any work.

Construction Safety- A Certificate of Good Standing is required from a registered safety certified company such as the Nova Scotia Construction Safety Association whenever any type of construction, reconstruction, demolition, remediation, repair or renovation is being completed on Town of Amherst property for any projects that are over \$10,000. This documentation must be provided before the commencement of any work.

11) Code of Ethics

All procurement carried out by the Town of Amherst must be conducted according to policies, provincial and federal legislation, trade agreements and ethical business practices. We must in good faith, conduct business with current and prospective suppliers and be fair in all business dealings. We shall encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises and request removal from a procurement process when a personal conflict of interest is perceived. We shall require suppliers to provide accurate representations of goods, services and construction and encourage them to consider sustainability in their products. We shall strive to obtain best value for each expenditure.

12) Supplier Performance

- a) Suppliers may be subject to disqualifications if there is sufficient evidence of failure to meet the standards specified by the Town. Suppliers may be evaluated based on competitive price, quality of a product, contract adherence and performance and after sales service. Upon reasonable notice in writing to the supplier involved, and after a

reasonable opportunity for response, a supplier can be disqualified for a period not exceeding three years from participation in solicitation for goods and services when:

- i. Serious breach of contract indicating unwillingness to perform a contract in accordance with the terms and conditions or specifications or a record of unsatisfactory performance of one or more contracts in accordance with its specifications or both.
 - ii. The offer of any gratuity to an official or employee of the Town by a supplier or contractor for consideration.
- b) A written decision shall be issued to the person disqualified or suspended setting out its reasons for disqualification or suspension, to the usual business address of that person as shown in the records of the purchasing section.
 - c) Disqualification will be approved by the CAO.

13) Supplier Debriefing

Upon request of a supplier who is an unsuccessful bidder, the Town of Amherst must conduct a debriefing with that supplier to provide feedback on the evaluation of the bid. The debriefing must be conducted as follows:

- a) the Treasurer and/or Coordinator of Procurement along with the person named in the documents will conduct the meeting;
- b) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
- c) the debriefing must also provide information to the supplier on how to improve future submissions;
- d) the debriefing must not disclose any information regarding other bidders or their submissions.

14) Contract Documents, Bid and Performance Securities and Specifications

- a) The CAO may, from time to time, approve such standard forms including Bid and performance securities if any, for purchase by Invitation to Tender, Request for Proposals, Request for Quotations, sole source, or emergency purchases as well as forms of contract for types of purchase including but not limited to construction, supplies and installation or service as they may deem advisable.
- b) Bid bonds, performance bonds, irrevocable letters of credit and other securities including labour and material bonds may be required for such purposes in such form and in such amounts as the CAO deems advisable.

15) Special Services

- a) Legal Services - Legal services will be acquired by staff based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The acquisition of legal services must be approved by the CAO in consultation with the Director(s) of the user department(s). (These services include expert witnesses, and subject experts required for legal proceeding, hearing or similar matter.) Legal services having a value of \$10,000 or more shall be approved by Council. The term for legal services will be at the discretion of the Town.
- b) Auditing Services – These services may be contracted on a one year term to be renewed on an annual basis on terms satisfactory to the Town. Selection of an auditor shall be completed by the Audit Committee of Council who will recommend the selection of an auditor to Council. Annual renewal of the contract for audit services will be made by the Audit Committee.

16) Tie Bids

After the assessment process is complete and it cannot be reasonably determined who has submitted the lowest compliant bid and a tie exists, the Purchaser may flip a coin to determine the award.

17) Suppliers indebted to the Town of Amherst

Any supplier/contractor having a customer account with the Town of Amherst, which is in arrears, will have such arrears deducted from any payments due to the supplier/contractor. Such deduction may be waived by the CAO, where the supplier/contractor has entered into a payment arrangement deemed to be suitable by the Treasurer.

18) Purchases by Town of Amherst Employees

Employees or immediate family members (husband, wife, son, daughter) of employees of the Town of Amherst are not permitted to purchase personal use items through the purchasing system except where employee purchase plans are being offered.

(END OF POLICY)

4.3. Amend Salary Administration Policy - Custodian

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Terry Rhindress

That Council approve an amendment to the Salary Administration Policy #4530-01 to add the position of Custodian to Appendix B Classification Grid at Level 3.

Motion Carried

**SALARY ADMINISTRATION POLICY #4530-01 – APPENDIX B
Job Classifications**

Level 11	Director of Corporate Services Director - Community & Economic Development Director of Planning & Development Director of Transportation & Public Works Director of Emergency and Property Services
Level 10	Operations Manager
Level 9	Vacant
Level 8	Engineering Services Manager Planner Senior Building Official Information Systems Manager
Level 7	Community Program Director Transportation Foreman Accountant
Level 6	Executive Assistant - Executive Office Policy, Research and Human Resources Coordinator Firefighter/Inspector Business Development Officer Geographic Information Systems Technician Unightly Premises Administrator/Building Official 1 Procurement Coordinator
Level 5	Firefighters Executive Assistant Physical Activity Coordinator Revenue Officer Maintenance Supervisor - Recreation Facilities Payroll Officer
Level 4	Transportation & Public Works Clerk/Secretary Accounts Payable Clerk Water/Sewer Billing Clerk Arts, Culture and Heritage Coordinator Cashier/Receptionist - Corporate Services
Level 3	Technology Assistant Dispatcher By-law Enforcement Officer Custodian – Town Hall
Level 2	Vacant
Level 1	Vacant

4.4. Renovations - APD

Moved By: Councillor Lisa Emery
Seconded By: Deputy Mayor George Baker
That Council amend the 2012-2013 capital budget in the amount of \$30,000 to renovate the Amherst Police Department's temporary facilities at 21 Acadia Street, with funding to come from Operating Reserves.

Motion Carried

4.5. Appointment to Planning Advisory Committee

Moved By: Councillor Frank Balcom
Seconded By: Councillor Lisa Emery
That Councillor Terry Rhindress be appointed to the Planning Advisory Committee for a one-year term ending November 30, 2013.

Motion Carried

4.6. Appointments to Amherst Youth Town Council

Moved By: Councillor Robert Bird
Seconded By: Councillor David March
That Council approve the re-appointment of Peter Woo, James Gaudet, Daniel Ripley, Brandon Sutherland-Metz, Chelsey Borne, and Noah Sangster and approve the appointment of new members: Lucas Bickerton, Brandon Steele, Madelynn Carter, Connor Scott, Forrest Dawe, and Jordon McManaman to the Amherst Youth Town Council for one year terms ending November 2013.

Motion Carried

4.7. Appointment of Andrew Fisher as Development Officer

Moved By: Councillor Terry Rhindress
Seconded By: Deputy Mayor George Baker
That Andrew Fisher be appointed Development Officer for the Town of Amherst.

Motion Carried

4.8. Acting Police Chief Appointment

Moved By: Councillor Frank Balcom
Seconded By: Councillor Lisa Emery
That Council accept the CAO's recommendation to appoint Deputy Chief Ian Naylor as Acting Chief of Police until such time as a permanent Chief of Police is engaged.

Motion Carried

4.9. Funding Request - Community Christmas Dinner

Moved By: Deputy Mayor George Baker
Seconded By: Councillor David March
That Council approve funding in the amount of \$250 under the Town's Festivals & Events Policy in support of the Community Christmas Dinner being held December 25th, in Amherst.

Motion Carried

4.10. December Meeting Dates

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Lisa Emery

That Council change the December meeting dates to December 10 at 4:00 PM for Committee of the Whole and December 17 at 7:00 PM for Regular Council.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

6. STRATEGIC PRIORITIES

7. INTERNAL COMMITTEE REPORTS

7.1. Amherst Youth Town Council

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

Amherst Youth Town Council (AYTC) participated in the October 27th Amherst Food Assistance Network Food Drive. This community involvement not only allowed residents to see AYTC actively volunteering with a credible organization, but enabled the youth council members to gain exposure into service delivery and the need for this service. As well, they were able to tour the facility when they helped deliver food items to the food bank. AYTC members are eager to assist with this project again in the spring.

AYTC members held their regular monthly meeting on November 5, 2012. Items of discussion included their float for the Christmas Parade, the group's planned involvement with the 24 Hour Physical Activity Day to be held February 2013, the potential of hosting a Youth Forum, as well entering a team in the Relay for Life in June. These items were tabled until the December meeting, to allow input from newly appointed members.

AYTC members were given a review of the process to address requests they receive from external organizations to participate in events or functions. Members were reminded that all requests must go through CED staff and be entered as discussion items on meeting agendas to allow all members to have input and to decide on their participation level as a group.

7.2. Community Arts Council Committee

Councillor March presented the following report on behalf of the Community Arts Council Committee:

The Community Arts Council Committee met twice in October to hold forums with different groups of artists. On October 1st the Committee met with visual artists and theatre people while on October 15th forums were held with musicians and writers. These forums were very successful with around 50 people attending to discuss their concerns and vision for the future of the arts and culture community in Amherst. The input received at these forums will be used to develop goals and desired outcomes for the committee moving forward in 2013. Committee members have been asked to submit their thoughts on the forums and what the priorities should be heading into 2013 in advance of the meeting set for Thursday, November 29th so that the committee can set some clear and concise goals for the year ahead.

7.3. Downtown Business Advisory Committee

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

The Downtown Business Advisory Committee met twice since the last report, on October 3 and November 6. Both meetings have centered around two main goals, one being the Downtown Amherst Street Party (held October 5) and the other being the "Christmas in Downtown Amherst" marketing campaign involving 31 downtown businesses.

The Downtown Amherst Street Party took place on Friday, October 5th and was a day-long event. Various businesses, community groups and entertainers packed the streets of downtown Amherst to provide a community based event that could celebrate not only downtown business but the completion of the first phase of the Downtown Revitalization Project. Attendance was beyond the committee's expectations and the event was received overwhelmingly well by the public. The Festivals and Events Committee is currently working on developing a plan to be able to make this a yearly occurrence.

The Downtown Marketing group met several times during the month of October and November to develop a comprehensive six week marketing plan centered on the Christmas season and promoting shopping in Downtown Amherst. At the current time, 31 downtown Amherst businesses are involved with the initiative which includes a plan centered around social media like Twitter and Facebook, as well as newspaper and radio, both here in Cumberland County and in neighboring Moncton. The development of a "Passport" has proved to be a resounding success for downtown shoppers. The passport-like card has been given out to customers by all participating downtown businesses. As the customer makes a purchase at a participating business, they receive a stamp on their passport. Once the customer has purchased from three of the businesses listed on the passport, they are then eligible to put their passport in for a draw which will be a grand prize worth over \$2,000. The grand prize is made up of products and gift cards all donated by the 31 participating businesses.

In addition, during the meetings, discussions surrounding business investment and recruitment led to three recommendations from the committee for Council.

- 1. That Council considers researching the potential of a graduated tax rate for new business development or renovations in the Town of Amherst.*
- 2. That Council considers the potential and impacts of reducing the commercial tax rate within the Town of Amherst so it is competitive with similar size municipalities in Nova Scotia.*
- 3. That Council considers a review of the deed transfer tax, its impacts to development and the possibility of reducing it or eliminating it in the future.*

Mayor Small said these three issues would be brought forward during the strategic planning session scheduled for next week. The CAO will write to the Committee and thank them for their recommendations and advise them of this.

9. ADJOURNMENT

Prior to the call for motion to adjourn, Mayor Small made a few comments. He thanked AYTC member Brandon Mets for recording this evening's meeting. He extended Council's appreciation to all the staff who worked hard to make the move into the new building happen. The new facility demonstrates state of the art electronics and communications systems. He also acknowledged the beautifully decorated lobby and chamber, and thanked Fort B for creating this festive atmosphere. This weekend's Victorian Christmas kick-off was a large success, and he extended Council's appreciation to all who participated in making that happen, especially the Baptist Church and Dayle's Department Store for the Friday night light up and the Y's Service Club for organizing the parade on Saturday. He also congratulated the winning floats, saying he hoped the community and media would support the local businesses over the Christmas season.

On motion by Councillor Rhindress, the meeting adjourned at 7:40 PM.

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor