

Regular Council Meeting

Minutes

Date of Meeting: Monday, May 26, 2014
Location: Board Room, Town Hall

Members Present: Mayor Robert Small
 Councillor George Baker
 Councillor Frank Balcom
 Councillor Robert Bird
 Deputy Mayor 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
 Rebecca Purdy, Executive Assistant
 Kim Jones, Policy and HR

1. PUBLIC HEARING 6:30 PM

1.1. LUB Amendment - Rezone 59 East Pleasant Street

Mayor Small called the Public Hearing to order at 6:30 PM. The Deputy CAO explained the proposed amendment to the Land Use Bylaw Zoning Map to Council, saying that all policies in the Town's Municipal Planning Strategy support this amendment. The expected development is a perfect application of in fill development, utilizing existing infrastructure and services.

Mayor Small invited questions and comments from Council. Russell Scott, the developer, was in attendance and circulated drawings of his planned development of nine four-unit buildings. The public hearing concluded at 6:40.

2. CALL TO ORDER

3. O'CANADA

4. HEARINGS/PRESENTATIONS/PETITIONS

5. APPROVAL OF AGENDA/MINUTES

5.1. Approval of the Agenda

Moved By: Councillor George Baker
Seconded By: Councillor David March
 To approve the agenda.

Motion Carried

5.2. Approval of Minutes

Moved By: Councillor Terry Rhindress
Seconded By: Councillor Frank Balcom
 To approve the minutes of the April 28, 2014 regular meeting and the April 30, 2014 special meeting of Amherst Town Council.

Motion Carried

6. REQUESTS FOR DECISION

6.1. Land Use Bylaw Amendment - Rezoning at 2nd Reading

Moved By: Councillor David March

Seconded By: Councillor Terry Rhindress

That Council approve second reading of Bylaw P-2-19, an amendment to the Land Use Bylaw – Zoning Map to rezone 59 East Pleasant Street from Open Space to General Residential as recommended by the Planning Advisory Committee.

Motion Carried

BYLAW TO AMEND THE LAND USE BYLAW (P-2)

- 1. The purpose of this by-law is to amend the Land Use By-law of the Town of Amherst to apply the General Residential Zone to the property located at 59 East Pleasant Street and identified by PID # 25491895.
- 2. The Land Use By-law of the Town of Amherst is hereby amended as follows:

AMENDMENT A

Schedule A – Zoning Map – is amended by applying the General Residential Zone to the property located at 59 East Pleasant Street, identified by PID # 25491895.

6.2. Tax Exemption Bylaw at 2nd Reading

Mayor Small declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue. Deputy Mayor Emery chaired the meeting in his absence.

Moved By: Councillor Frank Balcom

Seconded By: Councillor George Baker

That Council approve second reading and enactment of a bylaw to amend the Tax Exemption By-law, which includes a couple of housekeeping items and removes two properties from Schedule C: the playground on Hickman Street and the vacant land on Cornwall Avenue.

Motion Carried

BY-LAW TO AMEND THE TAX EXEMPTION BY-LAW (B-1)

The Town of Amherst Tax Exemption By-law (B-1) approved by Council on the 23rd day of April 2001, with amendments on March 27, 2006, September 24, 2007, June 22, 2009, October 26, 2009, June 25, 2012 and April 29, 2013 is hereby amended as follows:

1. SCHEDULE "A"

Changing the Charitable number on Assessment Account Number 00064017 located at 25 Park Street and owned by Bright Beginnings Child Care Centre from **049 4690 0103** to **106708126**; and

Changing the owner and Charitable number on Assessment Account Number 00635928 from **Amherst & District Branch Canadian Assoc Comm Living** to **Amherst & District Residential Services Society** and from **1079093 11 03** to **8 54331394**.

2. SCHEDULE "C"

Removing the following two properties:

Playground 85 Hickman St.	Amherst Lions Club	00064122
------------------------------	--------------------	----------

Vacant Land Lot#07-1 Cornwall Ave	Amherst Lions Club	10066557
--------------------------------------	--------------------	----------

6.3. Scholarship Policy

Moved By: Councillor Robert Bird

Seconded By: Deputy Mayor Lisa Emery

That Council repeal the existing Scholarship and Bursary Policy, #10350-19 dated April 2007, and replace it with the new policy of the same name and number, which includes the Francis Smith Memorial Bursary and the Amherst Youth Town Council Bursary.

Motion Carried

TOWN OF AMHERST SCHOLARSHIP AND BURSARY POLICY**10350-19****PURPOSE:**

To establish a policy to support funding towards the post secondary educational objectives of qualified Amherst students through the award of a scholarships or bursaries.

POLICY STATEMENT:

The Town of Amherst will fund the following annual scholarships and bursaries to Amherst Regional High School with a good academic standing. The students must be Amherst residents and be involved in extra-curricular activities. The Mayor or designate will participate in the selection committee at Amherst Regional High School:

1. Robert Angus Memorial Scholarship
An annual scholarship in the amount of \$1,500 will be awarded to an Amherst student graduating from Amherst Regional High School attending a recognized post-secondary degree granting institution to be paid directly to the institution in two equal instalments for the fall and spring semesters.
2. Norman Mansour Memorial Bursary
An annual bursary in the amount of \$1,000 will be awarded to an Amherst student graduating from Amherst Regional High School attending the Nova Scotia Community College, Cumberland Campus, to be paid directly to the institution.
3. Francis Smith Memorial Bursary
An annual bursary in the amount of \$500 will be awarded to an Amherst student graduating from Amherst Regional High School who was either members of the SADD program or another drug awareness or prevention program within the community. The amounts will be paid directly to the institution. It is understood that the Amherst Police Association may, on an annual basis, provide an additional bursary with the same conditions.
4. Amherst Youth Town Council Bursary
An annual bursary in the amount of \$250 will be awarded to an Amherst student graduating from Amherst Regional High School who is a member of the Amherst Youth Town Council to be paid directly to the student.
5. W. A. Reid Memorial School Trust Fund
An annual amount of \$250 will be provided to Amherst Regional High School for the purchase of teaching aids and/or prizes for creative writing to grade 11 and 12 students, in accordance with the conditions of the will of W. Allister Reid. funded partially from the W. A. Reid Trust Fund.

6.4. Smoke-Free Workplace Policy

Moved By: Deputy Mayor Lisa Emery

Seconded By: Councillor Robert Bird

That Council approve a new Workplace Smoking Policy, Number 04530-04, to restrict smoking in all Town buildings, facilities, vehicles and equipment.

Motion Carried

TOWN OF AMHERST SMOKE FREE WORKPLACE POLICY**04530-04****Definitions**

Smoking - The act of lighting, inhaling or carrying of a lighted or smouldering cigar, cigarette or pipe of any kind.

Mainstream Smoke - Smoke directly inhaled by the smoker. Smoking has been shown to be the largest preventable cause of premature death.

Second Hand Smoke - Smoke that is exhaled by the smoker. Even indirect smoke such as this has been proven to create a health risk to anyone exposed to it.

Side Stream Smoke - Smoke that is emitted from the burning tip of a cigarette, pipe or cigar. This type of smoke has been proven to be the most harmful, as it contains higher levels of carcinogenic chemicals.

Purpose

The Town of Amherst maintains a commitment to the health and safety of all its employees. Smoking has been scientifically proven to be harmful to the health of both smokers and non-smokers that come into contact with second-hand smoke, mainstream smoke or side stream smoke. In the interest of promoting a safe and healthy work environment, the Town of Amherst has adopted a smoke-free workplace policy.

Policy Statement

Smoking shall be prohibited in all Town buildings, and is applicable to all employees and contractors. This policy also extends to include all Town vehicles and equipment, and any rental vehicles booked for Town business purposes.

Violations

In the event of a violation of this policy, the Town of Amherst may pursue progressive disciplinary action. Employees that witness violations are encouraged to report the infraction to their Supervisor.

6.5. Wellfield Advisory Committee - Terms of Reference Policy

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council approve the North Tyndal Wellfield Advisory Committee Policy, 31700-05, that sets out the Terms of Reference for the Committee, and confirm the appointment of Deputy Mayor Lisa Emery and Councillor Terry Rhindress as the Amherst Town Council representatives on the Committee.

Moved By: Councillor George Baker

Seconded By: Deputy Mayor Lisa Emery

That Paragraph 3 be amended to add that members shall be appointed by resolution of Council.

Motion Carried

Original Motion Carried With Amendment

NORTH TYNDALL WELLFIELD ADVISORY COMMITTEE POLICY	31700-05
1.	<u>ADVISORY COMMITTEE</u> There shall be a Committee which shall consist of six members appointed in the manner hereinafter set out and which shall be known as the "North Tyndal Wellfield Advisory Committee."
2.	<u>DEFINITIONS</u> (a) "Committee" means the North Tyndal Wellfield Advisory Committee; (b) "County Council" means the Council of the Municipality of the County of Cumberland (c) "Town Council" means the Council of the Town of Amherst;
3.	<u>MEMBERSHIP SHALL CONSIST OF</u> (a) Two members of the Town Council appointed by resolution of Council ; (b) Two members of the County Council appointed by resolution of Council ; (c) Two members of the public, one appointed by each Council and preferably residents or landowners in the water recharge area, appointed by resolution of Council ; (d) Staff resources shall include: <ul style="list-style-type: none"> • Deputy CAO. – Town of Amherst • Town Engineer – Town of Amherst • Planner – Town of Amherst • Planner – Municipality of the County of Cumberland • County Engineer – Municipality of the County of Cumberland • Department of Service Nova Scotia and Municipal Relations • Department of Environment • Department of Natural Resources • Department of Agriculture • Secretarial support from Town of Amherst
4.	<u>TERMS OF MEMBERSHIP</u> (a) Members shall serve for a term of one year commencing at the annual meetings. All members shall be eligible to be reappointed. (b) When a member of the Committee ceases to be a member of a Council, his or her term on the Committee will be terminated.
5.	<u>QUORUM</u> Three members of the Committee will constitute a quorum.
6.	<u>CHAIR</u> At the first meeting of the Committee held in each year, a Chair and a Vice-Chair shall be elected from among the members who shall hold office until their successors are elected.
7.	<u>THE ROLE OF THE NORTH TYNDAL WELLFIELD ADVISORY COMMITTEE SHALL BE:</u> (a) To advise the Councils on policy issues to do with the protection of the groundwater quality. (b) To advise the Water Utility on operating policy issues as contained in the Groundwater Protection Strategy and Management Plan. (c) To ensure effective integration of current and proposed provincial government legislation through representation by staff from provincial departments. (d) To update the current Groundwater Protection Plan
8.	<u>THE ROLE OF THE AMHERST WATER UTILITY SHALL INCLUDE:</u> (a) Acting as the operating arm for the North Tyndal Wellfield including execution of all management functions; (b) Providing funding for the work of this Committee in the protected water area.
9.	<u>MEETINGS</u> Meetings of the Committee shall be held at least twice in every year, the first of which shall be considered the annual meeting. The Chair may convene a meeting of the Committee at any time provided seven days advance written notice is given.

6.6. Community Support Grants and Funding Requests

Councillor Baker declared a conflict of interest and excused himself from Council table for discussion and decision on this matter.

Moved By: Councillor David March

Seconded By: Councillor Terry Rhindress

That Council approve funding requests in the amounts set out in the following table totalling \$46,200:

ORGANIZATION	AMOUNT
Food Assistance Network	\$2,000
Cumberland Early Intervention Program	1,200
Sexual Health Centre for Cumberland Co.	500
Autumn House	10,000
Bantam Baseball	1,000
Piece by Piece Autism	500
Showcase Productions	1,000
Cumberland County Museum	4,000
Little League	1,500
CANSA	500
Artisans Gallery	500
Powerlifting Club	500
Fibre Arts Festival	8,000
Ramblers	Defer
Rockabilly Festival	Defer
Downtown Business Advisory Committee (Blueberry Harvest Festival)	12,000
Downtown Business Advisory Committee (Downtown Street Party)	3,000
TOTAL	\$46,200

Motion Carried

6.7. Downtown Business Advisory Committee - Appointments

Moved By: Councillor Frank Balcom

Seconded By: Councillor David March

That Council approves the appointment of: Dianne Crawshaw, Donna White, Elizabeth Smith McCrossin, Mark Casey, Travis Saulnier and Sharon LeBlanc to the Downtown Business Advisory Committee for two-year terms expiring March 31, 2016.

Motion Carried

6.8. Mutual Aid Agreement - Port Elgin, NB

Moved By: Councillor George Baker

Seconded By: Councillor Terry Rhindress

That Council approve entering into a Mutual Aid Agreement between the Town of Amherst and the Village of Port Elgin and authorize the Mayor, CAO (Clerk) and Fire Chief to sign the agreement on behalf of the Town.

Motion Carried

EMEGENCY MUTUAL AID AGREEMENT

This agreement made this _____ day of _____, A.D., 2014 between:

THE VILLAGE OF PORT ELGIN FIRE DEPARTMENT - AND -

THE TOWN OF AMHERST FIRE DEPARTMENT

WHEREAS the Emergency Measures Act Chapter E-7.1 of the Province of New Brunswick provides that agreements may be entered into for the provision of mutual assistance to deal with emergencies; and

WHEREAS an emergency can affect any area to such a degree that local resources would be inadequate to cope with the situation; and

WHEREAS the above named Village of Port Elgin Fire Department and the Town of Amherst Fire Department wish to make pre-arrangements for speedy emergency action in support of any one party in the group which may be affected or threatened by an emergency and require assistance; and

WHEREAS the council or governing body of each of the Parties agrees to provide assistance to the other Party to this Agreement in the event of fires or other emergencies; and

WHEREAS in order to help the Village of Port Elgin Fire Department and the Town of Amherst Fire Department, the Parties have entered into this Agreement, which is intended to make it easy for the forces to help each other while maintaining jurisdiction and command of each force; and

WHEREAS for the purposes of this Agreement "mutual aid" means that upon the request from one fire department governed by this Agreement (the "Requesting Department"), any other fire department governed by this Agreement (the "Responding Department") will respond to any location within the Requesting Department's jurisdiction, subject to the restrictions set out in this Agreement.

NOW THEREFORE, the Village of Port Elgin Fire Department and the Town of Amherst Fire Department agree as follows:

NOW THEREFORE, the Village of Port Elgin Fire Department and the Town of Amherst Fire Department agree as follows:

- 1) Any one of the parties to the agreement, if and when in need of help to combat an emergency, may request mutual aid from any one or more of the parties, subject to the following conditions:
 - a) Requests for aid must be made by the Fire Chief of the Village of Port Elgin Fire Department or the Fire Chief of the Town of Amherst Fire Department and/or the Municipal Services Representative.
 - b) Requests for aid shall be restricted to the Fire Department Personnel as well as Fire Department owned, controlled, or leased equipment.
 - c) It is understood that the extent of aid granted will be at the discretion of each responding party, having regard to their own local situation at the time.
 - d) At the fire or emergency scene the assisting Fire Department shall remain under the direction of its Chief at the fire scene who shall place himself at the disposal of the Chief of the Fire Department requesting assistance.
 - e) For purposes of this agreement the period of assistance shall be deemed to commence immediately upon arrival of the first vehicle of the Responding Department at the fire or emergency site and to end upon its release or termination of duties, exclusive of any period during which its equipment may be immobilized at the fire scene by reason of accident or mechanical breakdown and during which it may be prevented by mechanical defects or deficiencies in its equipment from useful employment in fighting the fire or responding to the emergency.
 - f) Any cost incurred in connection with the mobilization, movement, and development of mutual aid resources will be the responsibility of the party supplying these resources. Any other cost will be the financial responsibility of the party receiving the aid.
 - g) The Responding Departments are responsible for the firefighters, apparatus, and equipment sent to response to a call for assistance regardless of location of the fire or emergency. The Requesting Department will not be responsible for any injury to firefighters or damage to apparatus resulting from its call of assistance.
- 2) No Fire Department shall have nor assert any claim against any other Fire Department or the Municipality for loss, damage or injury to persons or property attributable to the performance of this agreement.
- 3) Other than for matters associated with ownership and operation of vehicles the Fire Department requesting assistance shall indemnify and save harmless any Fire Department rendering the assistance from and against any and every claim or demand by a person not a party to this agreement that:
 - a) is based on an event that occurs during a period of assistance as defined in para. 1 e), and
 - b) is attributable to or in any way connected with the performance by either party of its obligations under this agreement.
- 4) In this agreement the expression "Chief" means in the absence of such officer, his/her designate, his/her Deputy or any other person discharging his/her duties or responsibilities for the time being.
- 5) This agreement will come into force on the _____ day of _____, 2014,
- 6) This agreement shall remain in force from the effective date until it is terminated, and it may be terminated at any time by any Fire Department giving to the Municipality a written notice naming therein a date at least three (3) months from the giving of such notice upon which this agreement is to terminate, and on the date so named this agreement shall be at an end for that Fire Department but not otherwise, and without prejudice to any right of any Fire Department arising hereunder prior to its termination.

The Town or Municipality shall upon receipt of such notice forthwith send a copy of such notice to all the other Towns and Fire Departments who are parties to this agreement.

Each of the Parties to this Agreement shall obtain Third Party Liability Insurance in the amount of \$ 5,000,000.00 or more and shall maintain this coverage for the duration of this Agreement.

In witness whereof the Village of Port Elgin Fire Department and the Town of Amherst Fire Department have hereto signed this agreement, attested to by the proper officers on its behalf, the day, month, and year first above written.

6.9. Uncollectible Accounts

Moved By: Councillor Robert Bird
Seconded By: Deputy Mayor Lisa Emery
That Council authorize staff to write off uncollectible accounts in the amount of \$7,696.55.

Motion Carried

6.10. RFP - Fingerprint Scanner

Moved By: Deputy Mayor Lisa Emery
Seconded By: Councillor Frank Balcom
That Council accepts the proposal from 3M Cogent for an electronic fingerprint capture device at a price of \$38,416 plus HST with funding to come from the 2014/15 approved capital budget.

Motion Carried

6.11. RFP - Alternate Power Supply Town Hall

Moved By: Councillor George Baker
Seconded By: Councillor David March
That Council accept the proposal to supply and install an alternate power supply for Town Hall from Jeff’s Service Center at the cost of \$39,900 plus HST with funding to come from the 2014-15 capital budget.

Motion Carried

6.12. RFP – Bank of Montreal Building Repairs

Moved By: Councillor Terry Rhindress
Seconded By: Councillor David March
That Council accept the proposal from Flagship Construction for repairs to the Bank of Montreal Building (BMO) at their proposed cost of \$39,200 plus HST with funding to come from the 2014-15 approved capital budget.

Recorded		
Robert Small	Yes	
George Baker	Yes	
Frank Balcom	Yes	
Robert Bird		No
Lisa Emery	Yes	
David March	Yes	
Terry Rhindress	Yes	
Results	6	1

Motion Carried 6-1

6.13. UARB - Number of Councillors Confirmation

Moved By: Councillor David March
Seconded By: Councillor George Baker
That Council make an application to the UARB to confirm the current number of Councillors elected at large and schedule a public hearing on the matter for 6:30 PM on Monday, June 23, 2014.

Motion Carried

7. INFORMATION / DISCUSSION ITEMS

8. INTERNAL COMMITTEE REPORTS

8.1. Planning Advisory Committee

Councillor March presented the Planning Advisory Committee Report included in the agenda, and addressed comments and enquiries from Council.

8.2. Amherst Youth Town Council

Councillor Balcolm presented the Amherst Youth Town Council report included in the agenda and addressed comments and enquiries from Council.

8.3. Downtown Business Advisory Committee

Councillor Baker presented the Downtown Business Advisory Committee included in the agenda and addressed comments and enquiries from Council.

8.4. **Amherst 125 Committee**

Deputy Mayor Emery presented the Amherst 125 Committee report included in the agenda, and addressed comments and enquiries from Council.

9. **EXTERNAL COMMITTEE REPORTS**

9.1. **Cumberland Public Libraries**

Councillor Balcolm presented the Cumberland Public Libraries report included in the agenda and addressed comments and enquiries from Council.

9.2. **Cumberland YMCA (Verbal Report)**

Councillor Bird presented a brief verbal report on behalf of the Cumberland YMCA. Things continue to be busy at the Y; YMCA Canada recently conducted a Child Protection Audit, reviewing policies and procedures which resulted in a score of 91%. Any deficiencies had to do with the facility. The budget has been approved and the organization is looking to add programs and grow membership. the Town CAO and Mayor met with Y executive director last week; they are working hard to get public input on the future of the operation.

10. **ADJOURNMENT**

Mayor Small congratulated local Shriners who hosted event here yesterday and spoke of their fund raising efforts for a new hospital. The organization is very active in community events. He also congratulated the the Artisans Gallery on their upcoming opening at the Curling Club - they won't be at the Via station this year.

He read a letter received today from the Minister of Finance in response to one he had sent earlier in the spring:

Dear Mayor Small:

I sincerely thank you and your Council for your pre-budget suggestion related to a Rural Residents' Deduction. I apologize for the late response.

I appreciate your town leaders reaching out and sharing this with the province. I must say that of all the meetings I've held and all the people I've spoken with, this is the first time I've been presented with an idea like a tax incentive for those living outside of the Halifax Regional Municipality (HRM).

Our government is committed to helping rural Nova Scotia succeed. Please know that I will share this idea with my staff and my Cabinet colleagues. I will also be sharing your letter with Laurel Broten and the team working on the Tax and Regulatory Review for the province. Over the next several months, they are conducting a review of our taxes, regulations and fees based on the principles of fairness, sustainability, simplicity and competitiveness.

On another note, I'd like to let you know that I received a very warm welcome when I visited Amherst in February during my per-budget consultation. I shared a breakfast at "Breakfast at Britany's" with MLA Farrell and local residents Oralee O'Byrne and Elizabeth Smith. I then met with a great group of local community members at Trinity St. Stephen's Church. I know from these meetings alone that your town and your area in no way lacks passionate individuals and strong business leaders. It truly was my pleasure to get to know them and discuss the Province's economy and finances.

Thank you again for taking the time to share your idea with me. Please send my best wishes to your fellow council members.

*Yours sincerely,
Diana Whalen,
Minister of Finance and Treasury Board.*

**Moved By: Councillor Terry Rhindress
Seconded By: Councillor David March
To adjourn at 8:00 PM**

Motion Carried

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor