

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: October 23, 2017
Time: 7:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
 Deputy Mayor Sheila Christie
 Councillor Jason Blanch
 Councillor Vince Byrne
 Councillor Darrell Jones
 Councillor Wayne MacKenzie
 Councillor Terry Rhindress

Staff Present Greg Herrett, CAO
 Jason MacDonald, Deputy CAO Operations
 Ian Naylor, Police Chief
 Vince Arbing, Treasurer
 Bill Schurman, Director Recreation
 Greg Jones, Fire Chief
 Rebecca Purdy, Executive Assistant
 Tom McCoag, Corporate Communications Officer

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 PM.

2. O'CANADA

Kenzie Crossman, a grade 4 French immersion student at Spring Street Academy, sang the bilingual version of O'Canada.

3. HEARINGS/PRESENTATIONS/PETITIONS

3.1 UNESCO - Walt Jones (6321)

Walt Jones addressed Council with a proposal to help promote tourism and protect the historical nature of the town. He proposed that a petition be made to the federal government to add Amherst to the list of UNESCO historical sites to protect our heritage for future generations and encourage tourism. He ask Council member to sign the petition. He advised Council that he has already sought support of MP Bill Casey and MLA Elizabeth Smith McCrossin. A copy of Mr. Jones' presentation is included in the post-meeting agenda.

4. APPROVAL OF AGENDA/MINUTES

4.1 Approval of the Agenda (6681)

Moved By Councillor MacKenzie
 Seconded By Councillor Jones
 To approve the agenda

Motion Carried

4.2 Approval of Minutes - September 25, 2017 Regular Meeting (6680)

Moved By Councillor Blanch
 Seconded By Councillor Byrne
 To approve the minutes of the September 25, 2017 regular meeting

Motion Carried

5. REQUESTS FOR DECISION

5.1 Repeal Amherst Fire Department Bylaw (6392)

Moved By Councillor Jones

Seconded By Deputy Mayor Christie

To approve second reading of a Bylaw to Repeal the Bylaw Respecting the Management of the Amherst Fire Department

Motion Carried

Bylaw to Repeal the Bylaw Respecting the Management of the Amherst Fire Department

1. This is a by-law to repeal Bylaw Respecting the Management of the Amherst Fire Department.
2. The "Bylaw Respecting the Management of the Amherst Fire Department Bylaw" C-06, approved by Council on the 8th day of December, 1986 and amended on the 8th day of September, 1992, is hereby repealed.

5.2 Policy Respecting the Management of the Volunteer Component of the Amherst Fire Department (6660)

Moved By Councillor Jones

Seconded By Councillor MacKenzie

To approve the new Policy 68300-05 Respecting the Management of the volunteer component of the Amherst Fire Department

Motion Carried

TOWN OF AMHERST POLICY RESPECTING THE MANAGEMENT OF THE VOLUNTEER COMPONENT OF THE AMHERST FIRE DEPARTMENT NUMBER 68300-05

1 PURPOSE

The purpose of this policy is to define the management of the volunteer component of the Amherst Fire Department.

2 SCOPE

This procedure applies to all prospective and active members of the volunteer component of the Amherst Fire Department.

3 THE FIRE DEPARTMENT

This department is established to provide emergency services to deal with various emergency situation. The head of this department shall be known as the Chief of the department, who shall be appointed by the Council and reports directly to the Chief Administrative Officer (CAO).

In addition to the chief of the department, there shall be a Senior Deputy Chief, Assistant Deputy Chief (as deemed necessary), Captains, Lieutenants and as many volunteer members as is considered to be necessary, to ensure effective operation of the department.

This department shall not respond to a request for assistance with respect to fire or emergency outside of the limits of the Town of Amherst except:

- When in the opinion of the Chief of the Department, threatens property in the Town of Amherst or property situated outside the Town of Amherst that is owned or occupied by the Town of Amherst;
- In a municipality with which an agreement has been entered into with the Council, to provide fire protection, or at a property with respect to which an agreement has been entered into in writing, with any person, corporation or Association;
- or when requested to respond to a mutual aid request with other municipalities.

4 MEMBERSHIP REQUIREMENTS

A person may apply to be an active volunteer firefighter with the fire department who:

- is not less than 19 years of age when applying;
- provides at least two references and a criminal record check;
- passes such written and/or oral tests, as requested by the Chief of the department;
- is medically fit to be a firefighter, as certified by a physician
- resides within the approved response area of the Amherst Fire Department.

5 MEDICAL EXAMINATIONS

The Chief of the Department must be in possession of a Medical Certificate from a Medical Doctor certifying that the member is capable of carrying out all firefighting duties. The Chief may at his/her

sole discretion, request an additional medical certificate from any member of the department, when deemed necessary. Failure to report for medical examination after directed to so, shall result in suspension, until the necessary certificate is obtained. All costs associated with such examinations shall be the responsibility of the member / candidate.

6 PROBATIONARY MEMBERS

A person who is accepted as a probationary member of the department for firefighting duties shall be on probation for a period of 12 months, during which period they shall take such training and examinations, as may be required by the Chief of the Department. If a probationary member appointed for firefighting duties fails any such examinations or perform the required duties, the Chief of the department shall decline their appointment as a regular active member of the department.

7 DUTIES OF A FIRE FIGHTER

Every member of the department shall report for duty at the time prescribed by the chief of the department and shall remain on duty until relieved. In the case where a member is failing to report for duty, the Chief officers shall be made aware of this by their company officer or the secretary of the department.

8 CODE OF ETHICS

Members shall always conduct themselves, on and off duty, in a manner that reflects positively on them and the department. Shall recognize that they serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles and equipment; and that these are protected from misuse and theft.

Members shall exercise professionalism, competence, respect and loyalty in the performance of their duties and use information, confidential or otherwise, gained by virtue of their position, only to benefit those they are entrusted to serve.

A member shall not criticize or ridicule the department, its policies and procedures, its officers or other members by speech, writing or other expression, when such speech, writing or expression is defamatory, obscene, slanderous or unlawful.

While in uniform or structural firefighting equipment, a member shall not enter any premises where alcoholic beverages or substances are sold or consumed, except in the performance of their departmental duties or as authorized by the Chief of the Department.

A member shall not report for duty or be on duty while under the influence of an intoxicating beverage or substance.

9 REMUNERATION

The remuneration of all members of the department shall be determined by Council.

10 DISCIPLINE

The Chief of the Department, after consultation with the fire department executive committee, may reprimand, suspend or dismiss a member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this policy or the general operating guidelines that in the opinion of the Chief of the department, would be detrimental to the discipline and efficiency of the Department.

Following the suspension of any member, the Chief of the Department shall report, in writing, the suspension to the CAO.

In the case where a member is suspended for more than 7 days or dismissed, the Chief shall within 3 days of the suspension or dismissal give written notice to the member stating the date of suspension and reasons for the suspension or in the case of a dismissal, the reasons for dismissal.

Any member upon receipt of a notice of suspension or dismissal may within 5 days' request in writing to the Chief of the department, a hearing before the fire department executive committee.

11 PROMOTION

Any member may make application to the Chief of the Department to qualify them for promotion to a rank immediately superior to their present rank. All promotions within the department shall be made by the Chief of the department upon receiving recommendations from the fire department executive committee.

Every recommendation for promotion of a member shall be reviewed by the fire department executive committee and shall be based on the evaluation of the proven ability of the member; physical fitness of a member; the attendance record of the member and any written or oral examinations as may be required by the Chief of the department.

When, in the opinion of the Chief of the department, all other factors for the promotion of two or more members are equal, seniority of service in the department governs.

The provisions of this section with respect to the promotion of members does not apply to the Chief or Deputy Chiefs.

12 DEMOTION

The Chief of the department, may demote or remove from active duty any volunteer member based upon an evaluation of their inability to perform the required duties, their failure to meet the standard requirements for active duty as determined by the Chief of the department.

In the case where a member is recommended for a demotion or removal from active duty, the Chief shall within three days of making the decision give to the member written notice of the decision, setting forth reasons for the decision.

A member upon receipt of a notice of decision of demotion or removal from active duty may within five days of receipt of notice, shall submit an appeal request in writing to the Chief of the department. This request shall be reviewed by the Fire department executive committee within 5 days.

Upon completion of the hearing the Fire department executive committee shall provide the Chief of the department with their findings. The Chief of the department shall determine if the decision will be upheld or reversed.

The provisions of this section with respect to the demotion of members does not apply to the Chief or Deputy Chiefs

13 REPRESENTATIVE COMMITTEE

The representative committee shall consist of one elected firefighter from each company of the Amherst Fire Department, for a one-year term. These positions shall be voted on by the members annually, during the Amherst Fire Fighters Association meeting in October. Officers of the Amherst Fire Department shall not be a member of this committee.

Their duties shall be to assist firefighters, during an appeal hearing with the fire department executive committee. The representative committee member shall only represent a member from their own company. In addition, they shall only represent a member when requested to do so, by the member.

14 HONORARY MEMBERS

An active member may qualify to become an honorary member of the department after 20 years of active service in the Amherst Fire Department.

15 CAPTAINS AND OFFICERS

Each Company of the Department will be under the direction of a Captain and/or Lieutenant who is responsible to the Chief of the Department or Deputy(s), for the proper operation of the Company. Where the Chief of the Department designates a member to act in place of an officer, such member(s), when so acting, will have all the powers and shall perform all the duties of the officer that they replaced.

16 SECRETARY

The Secretary of the Department shall be appointed by the Chief of the department, and is responsible for collection and maintenance of an accurate record of attendance for each member; based on the recorded and approved roll calls. Shall create the annual honorarium report for the Chief of the department. Shall be a member of the fire department executive committee.

17 FIRE DEPARTMENT EXECUTIVE COMMITTEE

The Fire department executive committee shall assist the Chief of the department in performing all departmental duties with respect to the volunteer component of the department. The Fire department executive committee shall consist of all chief officers and the secretary of the department.

18 DEPUTY CHIEF(S)

In addition to the Chief of the department, there shall be a Senior Deputy Chief and when deemed necessary an assistant deputy chief shall be appointed by the Chief of the department. The Senior Deputy Chief or the Assistant Deputy Chief shall report directly to the Chief of the Department on the activities of the Companies and shall carry out all orders of the Chief, and in the absence of the Chief, has all the powers as prescribed by law.

The Deputies shall also be responsible for arranging a training program for the department. Assist in the prevention, control and extinguishment of fires. Respond and assist at such emergencies as may be required by the Chief of the Department.

19 THE CHIEF OF THE DEPARTMENT

The Chief of the Department is responsible to the CAO for the proper administration and operation of the Department, and for the discipline of its members, and may recommend to the CAO such policies that may be necessary for the care and protection of the property of the Department, for the conduct of the members of the Department and generally for the efficient operation of the Department, provided that such policies do not conflict with the provisions of any law or any policy of the Town of Amherst.

- Is responsible for the enforcement of this policy, general operating guidelines and departmental rules;
- Shall submit to the council a monthly report of response requests.
- Shall review periodically the policies and procedures of the department; and develop new general operating guidelines, procedures and policies as required.
- Shall take all proper measures for the prevention, control and extinguishment of fires, for the protection of life and property, shall enforce all laws respecting fire prevention and shall exercise the powers and duties imposed by the Nova Scotia Fire Safety Act, the Nova Scotia Fire Safety Regulations, and the Nova Scotia Municipal Government Act;
- All other duties as deemed by the CAO.

5.3 Centennial Villa Crosswalk (6592)

Moved By Councillor MacKenzie

Seconded By Councillor Byrne

To approve the installation of the infrastructure necessary to accommodate the placement of a crosswalk from the east side of Church Street to the north east corner of the Pharmasave property to be funded from the current operating budget

Motion Carried

5.4 Sidewalk Machine RFP (6635)

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

To accept the proposal from Saunders Equipment for RFP-17-17 to supply a new sidewalk machine for a total cost of \$142,360 plus HST, to be funded from the 2017-18 Capital Budget

Motion Carried

5.5 Election of Deputy Mayor (6627)

Mayor Kogon called for nominations to the Office of Deputy Mayor. Councillor Rhindress was nominated by Councillor Jones; Councillor Christie was nominated by Councillor Byrne. Mayor Kogon called three times for further nominations. There being none, nominations ceased and voting was done by secret ballot. The CAO determined that the vote was 5-2 in favour of Councillor Christie.

Moved By Councillor Byrne

Seconded By Councillor Blanch

That Councillor Sheila Christie be appointed to the office of Deputy Mayor for the period November 1, 2017 to October 31, 2017

Motion Carried

5.6 Council Committee Appointments (6628)

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

That the following committee appointments, which expire on October 31, 2017, be extended to January 31, 2018, except where noted, and that staff be directed to prepare a report on the relevance of Council's participation in the current list of committees:

Mayor Kogon

- **Audit Committee**
- **Committee of the Whole**
- **A. Animal Shelter**
- **Regional Emergency Management Committee**

Deputy Mayor Christie

- **Audit Committee**
- **Committee of the Whole**
- **Amherst Board of Police Commissioners (October 31, 2018)**
- **Planning Advisory Committee**
- **Susan Taylor Theatre Advisory Committee**
- **VON Board of Directors**
- **YMCA Board of Directors**

Councillor Blanch

- Audit Committee
- Committee of the Whole
- Amherst Board of Police Commissioners (October 31, 2019)
- Municipal Alcohol Project
- Tree Advisory Committee
- Tyndall Wellfield Advisory Committee

Councillor Byrne

- Committee of the Whole
- Cumberland Joint Services Management Authority (CJSMA)
- Regional Emergency Management Committee

Councillor Jones

- Audit Committee
- Committee of the Whole
- Amherst Board of Police Commissioners (October 31, 2019)
- Senior Safety Advisory Group
- Tyndall Wellfield Advisory Committee

Councillor MacKenzie

- Audit Committee
- Committee of the Whole
- Cumberland Public Libraries Board
- Planning Advisory Committee
- West Highlands Redevelopment Committee

Councillor Rhindress

- Audit Committee
- Committee of the Whole
- Cumberland Joint Services Management Authority
- Northern Region Solid Waste Committee
- Planning Advisory Committee
- West Highlands Redevelopment Committee

Motion Carried

5.7 Amend Amherst Youth Town Council Policy, 10350-21 (6691)

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

To approve the amended Amherst Youth Town Council Policy, 10350-21 to allow for the appointment of up to three County members

Motion Carried

5.8 Appointments to Amherst Youth Town Council (6631)

Moved By Deputy Mayor Christie

Seconded By Councillor Blanch

That Council approve the reappointment of the returning members to the Amherst Youth Town Council:

- Olivia Pulsifer Grade 8, Amherst resident
- Austin Coates Grade 9, County resident
- Rohin Minocha-McKenney Grade 11, Amherst resident
- Rajan McKenney Grade 9, Amherst resident
- Allie Degenstein Grade 11, Amherst resident

And that Council approve the appointment of the following new members to the Amherst Youth Town Council:

- Mason Carter Grade 11, County resident
- Tegan Tran Grade 7, Amherst resident
- Bradeon Lines, Grade 9, Amherst resident
- Emily Jewers Grade 12, Amherst resident
- Abby Letcher Grade 10, Amherst resident

Motion Carried

5.9 **Development Agreement Amendment - Cumberland Ridge Drive.(6636)**

Moved By Councillor Blanch

Seconded By Councillor MacKenzie

To approve first reading of the new Development Agreement DA-2017-13 that replaces the existing DA for the same property and schedule a public hearing to be held on November 27, 2017 at 6:30 PM

Motion Carried

7. **INTERNAL COMMITTEE REPORTS**

7.1 **Planning Advisory Committee (6697)**

Councillor MacKenzie presented the report included in the agenda. This being an information item, there was no direction or follow up required.

7.2 **Amherst Board of Police Commissioners (6699)**

D/Mayor Christie presented the ABPC report included in the agenda. This being an information item, there was no direction given or follow up required.

8. **EXTERNAL COMMITTEE REPORTS**

8.1 **Cumberland Joint Services Management Authority (6699)**

Councillor Byrne presented the CJSMA report included in the agenda and addressed comments and enquiries from Council members. This being an information item, there was no direction given and no follow up required.

8.2 **L. A. Animal Shelter (6700)**

Mayor Kogon presented Shelter the report included in the agenda. This being an information item, there was no direction given and no follow up required.

9. **ADJOURNMENT**

Moved By Councillor Jones

Seconded By Councillor Blanch

To adjourn at 7:55 PM

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

David Kogon, MD
Mayor