



Town of Amherst
Regular Council Meeting
Agenda

Date: **Monday, February 22, 2021**
Time: **6:00 pm**
Location: **Zoom Virtual Meeting**

Pages

1. CALL TO ORDER

2. TERRITORIAL ACKNOWLEDGMENT

"We [I] would like to begin by acknowledging that the land on which we gather is the traditional unceded territory of the Mi'kmaw Peoples."

3. PRESENTATION

3.1. YMCA of Cumberland UpLift Program

4. APPROVAL OF AGENDA/MINUTES

4.1. Approval of the Agenda

4.2. Approval of Minutes

4.2.1. January 25, 2021 Regular Council

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4.2.2. February 4, 2021 Special Council

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5. REQUESTS FOR DECISION

5.1. Mandatory Provincial Contribution Area Rate - Landry

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5.2. Northern Region Solid Waste Agreement - Emery

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8.	ADJOURNMENT	

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: January 25, 2021
Time: 6:00 pm
Location: Zoom Virtual Meeting

Members Present Mayor David Kogon
Deputy Mayor Hal Davidson
Councillor George Baker
Councillor Sheila Christie
Councillor Lisa Emery
Councillor Dale Fawthrop
Councillor Leon Landry

Staff Present Greg Herrett, Chief Administrative Officer
Mike Hunter, Chief Financial Officer
Jason MacDonald, Deputy CAO Operations
Dwayne Pike, Police Chief
Greg Jones, Fire Chief
Andrew Fisher, Manager of Planning & Strategic Initiatives
Tom McCoag, Corporate Communications Officer
Kim Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

Due to the COVID-19 pandemic and the requirement for physical distancing, this was a virtual meeting held via Zoom.

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 6:00 p.m.

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Christie
Seconded By Councillor Emery
To approve the agenda as circulated.

Motion Carried

3.2 Approval of Minutes

Moved By Councillor Baker
Seconded By Councillor Fawthrop
To approve the minutes of the December 21, 2020 regular meeting of Council as circulated.

Motion Carried

4. REQUESTS FOR DECISION

4.1 February Meeting Date

Moved By Councillor Christie
Seconded By Councillor Emery
That Council approve of changing the date of the regular February COW meeting from Monday, February 15, 2021 to Tuesday, February 16, 2021 due to the Heritage Day holiday, and change the May 2021 regular Council meeting date from Monday, May 24, 2021 to Tuesday, May 25, 2021 due to the Victoria Day holiday.

Motion Carried

4.2 Stadium Walking Track Hours

Moved By Deputy Mayor Davidson

Seconded By Councillor Fawthrop

That Council approve an amendment to the Salary Administration Policy to add the position of Term Customer Service Representative (1.7 FTE) to job category Admin/Customer Service Level 1 in order to allow for extended walking track hours and public skating at the Amherst Stadium during the current COVID-19 pandemic and that the additional cost of the service until March 31, 2021 to be accommodated within the current year operating budget of the Town.

Motion Carried

4.3 Appointment of Auditor

Moved By Councillor Landry

Seconded By Deputy Mayor Davidson

That Council appoint the firm Jorgensen & Bickerton Chartered Professional Accountants Inc. to be the municipal auditor for the Town of Amherst for the fiscal year ending March 31, 2021 as recommended by the Town of Amherst Audit Committee.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

No information or discussion items.

6. INTERNAL COMMITTEE REPORTS

6.1 Planning Advisory Committee

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners - No Report

6.3 Audit Committee

Information item; no direction given or action required.

6.4 Amherst Youth Town Council – No Report

7. EXTERNAL COMMITTEE REPORTS

7.1 Cumberland Public Libraries

Information item; no direction given or action required.

7.2 Cumberland YMCA

Information item; no direction given or action required.

7.3 Cumberland Joint Services Management Authority

Information item; no direction given or action required.

7.4 Northern Region Solid Waste Committee

Information item; no direction given or action required.

7.5 L. A. Animal Shelter

Information item; no direction given or action required.

7.6 Municipal Alcohol Project

Information item; no direction given or action required.

7.7 Senior Safety – No Report

7.8 Inter Municipal Tourism – No Report

7.9 Poverty Reduction – No Report

8. **ADJOURNMENT**
Moved By Councillor Landry
Seconded By Councillor Christie
To adjourn the meeting at 6:35 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

**Amherst Town Council
Special Meeting
Minutes**

Date: February 4, 2021
Time: 4:00 pm
Location: Zoom Virtual Meeting

Members Present Mayor David Kogon
 Deputy Mayor Hal Davidson
 Councillor George Baker
 Councillor Sheila Christie
 Councillor Lisa Emery
 Councillor Dale Fawthrop
 Councillor Leon Landry

Staff Present Greg Herrett, CAO
 Tom McCoag, Corporate Communications Officer
 Kim Jones, Municipal Clerk
 Natalie LeBlanc, Deputy Clerk

Due to the COVID-19 pandemic and the requirement for physical distancing, this was a virtual meeting held via Zoom.

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 4:01 p.m.

2. REQUEST FOR DECISION

2.1 Municipal Innovation Program

Moved By Councillor Baker

Seconded By Councillor Fawthrop

That Council of the Town of Amherst agree to participate in the project to enhance education and enforcement with respect to solid waste, harmonizing solid waste by-laws, and exploring the potential for administering joint solid waste collection contracts that is being submitted for consideration under the Municipal Innovation Fund.

Motion Carried

3. ADJOURNMENT

Moved By Councillor Landry

Seconded By Deputy Mayor Davidson

To adjourn the meeting at 4:06 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

Mandatory Provincial Contribution Area Rate

The Budget Management Policy states in section 15 that Council will consider setting the Mandatory Provincial Contribution Area Rate by the end of February each year based on the available information from the province at the time and will communicate it to the public through various media channels.

The proposed rate will provide tax revenue budgeted to fund the following expenditures for the year ended March 31, 2022, as mandated by the province:

- Education
- Assessment Services provided by Property Valuation Services Corporation
- Correction Services
- Housing
- Regional Library

Mandatory costs for these services are estimated to be \$2,163,799 for the year ended March 31, 2022.

Through the operation of this policy, Council levies an area rate to cover the cost of services which are provided by provincial government agencies and the funding flows through the Town of Amherst. The area rate of 40.2 cents will generate the revenue required to fund the Town's share mandatory provincial services.

In segregating these costs and levying an area rate Council seeks to highlight that it has no control over or input into each of these costs. Last year the Mandatory Provincial Contribution Area Rate was 39.7 cents. This year's increase is driven by the increase in education costs and the addition of the regional library costs.

MOTION:

WHEREAS the Mandatory provincial contributions of \$2,163,799 for the fiscal period ended March 31, 2022 must be rated;

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2022, the Mandatory Provincial Contribution Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.402 per \$100 of assessment
Commercial	\$0.402 per \$100 of assessment

AND THAT these area rates are due and payable on September 30, 2021 with interest to be charged on all final tax accounts outstanding on or after October 1, 2021 at the rate of 1% per month, 12% per annum.



AMHERST TOWN COUNCIL

RFD# 2021006

Date: February 22, 2021

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Michael Hunter, CPA, CA – CFO

DATE: February 22, 2021

SUBJECT: Setting the Mandatory Provincial Contribution Area Rate

ORIGIN: Budget Management Policy 03450-04.

LEGISLATIVE AUTHORITY: Town of Amherst Budget Management Policy 03450-04 and the MGA section 75 which authorizes the levying of area rates.

RECOMMENDATION: The Council approve setting of the Mandatory Provincial Contribution Area Rate at \$0.402, an increase of 0.005 for the 2021-22 fiscal year, which provides funding for provincial services the Town is mandated by the province to pay for including amounts for Education, Property Valuation Services Corporation (PVSC) Assessment Services, Correctional Services, Housing and the Library.

BACKGROUND: The Budget Management Policy states in section 15 that Council will consider setting the Mandatory Provincial Contribution Area Rate by the end of February each year based on the available information from the province at the time and will communicate it to the public through social media.

DISCUSSION: The following assumptions were made for each of the components of the Mandatory Provincial Contribution Area Rate:

- a) Education** – The Town is required to provide funding to the Chignecto Central Regional Centre for Education under the Education Act. This mandatory education contribution is set by the Province of NS and is based on the Town's share of the Uniform Assessment.

Uniform assessment for 2021-22 is \$534,722,261 (2020-21 \$523,901,080). The rate has not been set yet by the province. However, the rate of 0.3048 has not changed in 9 years. So, if the rate does not change again this year, education costs to the Town for 2021-22 will be \$1,629,833, an increase of \$32,983.

- b) PVSC Assessment Services** – The Town is required to provide funding to pay a share of the cost of operating the provincial assessment system. The Town pays a portion of the total Property Valuation Services Corporation costs, based on the Town's share of the Uniform Assessment and the Town's share of assessment accounts across the province.



The Town will not know its exact share of PVSC costs until late February or early March. Last year the actual came in at \$116,333 compared to a budget of \$119,136, a savings of \$2,803. The calculation for assessment services is linked to Uniform Assessment (which increased by 2.07%) so for the 2021-22 fiscal year we have calculated a 2% increase based on last year's actual for a 2021-22 budget figure of \$118,660. Since our budget figure for 2020-21 was higher than actual last year, this results in a budget decrease of \$476.

c) Correction Services – The Town is required to make a mandatory contribution to the province to fund the cost of correctional services. The contribution is set by the Province of Nova Scotia and is based on the Town's share of the Uniform Assessment and the Town's share of dwelling units across the province.

Our share of correction services costs will not be known with complete certainty until sometime in March or April. Last year the actual came in at \$110,228 compared to a budget of \$114,211, a savings of \$3,983. The calculation for corrections is linked to Uniform Assessment (which increased by 2.07%) so for the 2021-22 fiscal year we have calculated a 2% increase based on last year's actual for a 2021-22 budget figure of \$112,433. Since our budget figure for 2020-21 was higher than actual last year, this results in a budget decrease of \$1,778.

d) Housing – The Cobequid Housing Authority administers and manages public non-profit housing for seniors and families on low incomes within the Town. The Town is required to fund a portion of the prior year deficit of the Cobequid Housing Authority annually.

The Housing Authority has provided its budget for the current fiscal year. Amherst's share based on their budget would be \$219,245. The actual amount will be based on their actuals and not this budget figure. Actuals will not be known for some time. In 2020-21 Amherst's share of the Authority's budget was \$230,000, however actuals came in at \$195,599. The year prior, in 2019-20 Amherst's share of the Authority's budget was \$230,000, however actuals came in at \$248,767. We are recommending to reduce the budget to the amount provided by the Housing Authority. Since there was an excess of \$34,401 in funds from the Housing budget this year, those funds will be transferred to the Mandatory Provincial Contribution Area Rate Reserve within the Operating Reserve. If the actuals come in more than budget next year, we will withdraw the funds from Reserve if required.

e) Library – The Town is required to fund the Cumberland Public Library pursuant to a formula determined by the Province of Nova Scotia. The Town does not share in any surplus or deficits. In addition, the Town provides funds for the operating and maintenance of the library building which is included in the General Rate.

The expense for the regional library has been \$61,820 for the last 7 years. There were meetings and conversations in 2019 regarding changing the formula for the regional library funding. We have used the amount from this new funding formula for the budget for 2021-22 which is \$87,299.

Town of Amherst					
Mandatory Provincial Contribution Area Rate					
		2020/21 Projected Actuals	2020/21 Approved Budget	2021/22 Proposed Budget	Budget Change
\$0.01 on Tax Rate =			\$ 53,429	\$ 53,825	\$ 396
Mandatory Provincial Contributions Area Rate					
Education	\$	1,596,852	\$ 1,596,850	\$ 1,629,833	\$ 32,983
Corrections		110,228	114,211	112,433	(1,778)
Housing		195,599	230,000	219,245	(10,755)
PVSC - Assessment		116,333	119,136	118,660	(476)
Library		61,820	61,820	87,299	25,479
Transfer from Operating Reserve - rounding		-	-	(3,691)	(3,691)
Total Mand Provincial Contributions Budget	\$	2,080,832	\$ 2,122,017	\$ 2,163,779	\$ 41,762
Mandatory Provincial Contributions Area Rate =			\$ 0.397	\$ 0.402	0.005

FINANCIAL IMPLICATIONS: The Mandatory Provincial Contribution Area Rate will see an increase of \$0.005 due to changes in costs mostly for education and library.

At the end of the 2018/19 fiscal year, there was a surplus in the Mandatory Provincial Contribution Area Rate of \$21,281. This amount was transferred to a separate account in the Operating Reserve to be used in the future if there was ever a deficit.

For the 2019/20 fiscal year, the expense for Housing came in \$18,767 higher than budget and Assessment Services and Corrections came in under budget by \$1,507 and \$4,122 respectively. This resulted in the Mandatory Provincial Contribution Area Rate being over budget by \$13,138. To fund the \$13,138 deficit in the Mandatory Provincial Contribution Area Rate in 2019/20 a transfer from Operating Reserve was made as part of the year end adjustments that withdrew this amount from Operating Reserve and transfer it to the General Operating Mandatory Provincial Contribution Area Rate.

For the 2020/21 fiscal year, the Mandatory Provincial Contribution Area Rate is projected to have a surplus of \$41,185; with \$2,803 from assessment, \$3,983 from corrections and \$34,401 from housing. This surplus of \$41,185 will be transferred to the Mandatory Provincial Contribution Area Rate Reserve in the Operating Reserve fund. This will bring the reserve ending balance at March 31, 2021 to \$49,328.

To make the Mandatory Provincial Contribution Area Rate balance in 2021-22 to the exact amount required for funding, a transfer is required of \$3,691 in 2021-22 from the Mandatory Provincial Contribution Area Rate Reserve in the Operating Reserve fund.

	Final Audited Balance	Proposed 2020/21 Transactions		Proposed Final Balance	Proposed 2021/22 Transactions		Proposed Balance
OPERATING RESERVE	31-Mar-20	Additions	Withdrawals	31-Mar-21	Additions	Withdrawals	31-Mar-22
Reserve Mandatory Provincial Contribution Area Rate	8,143			49,328			45,637
20/21 Operating - estimated surplus		41,185					
21/22 Operating - transfer to balance area rate						3,691	

COMMUNITY ENGAGEMENT: Communications will be coordinated by Corporate Communications Officer including media releases, the Town's website and social media.

ENVIRONMENTAL IMPLICATIONS: None

SOCIAL JUSTICE IMPLICATIONS: None

ALTERNATIVES:

1. Wait until the figures are released by the Province before the Mandatory Provincial Contribution Area Rate is set.

ATTACHMENTS:

Report prepared by: Sarah Wilson, Senior Accountant
 Report and Financial approved by: Michael Hunter, CPA, CA, CFO

SYNOPSIS

Northern Region Solid Waste Agreement

The Nova Scotia Environment Act creates seven Solid Waste Resource Regions in the Province of Nova Scotia including Region 3, known as the Northern Region which is comprised of the counties of Colchester, Cumberland and the District of East Hants. The mandate of the Northern Region is to enable the municipal units to collaborate in order to meet waste resource objectives as set and determined by the Minister of Environment. These objectives could include, but are not limited to, solid waste-resource management reports, plans, disposal targets, diversion goals and distribution of provincial funding.

The updated agreement mainly deals with housekeeping matters and are not substantive. Updates include the removal of the former Towns of Springhill and Parrsboro; allowing a Committee Chair to serve more than 2 consecutive terms (upon agreement of the Committee) and changing the quorum from 5 to 4 elected representatives.

MOTION: That Council approve the attached Northern Region Intermunicipal Solid Waste Agreement and authorize the Mayor and CAO to sign on their behalf.

THIS INTER-MUNICIPAL AGREEMENT dated the -day of , 20~~4~~21~~0~~,

BETWEEN:

THE MUNICIPALITY OF THE COUNTY OF CUMBERLAND, a Municipal Corporation;

OF THE FIRST PART

- and -

THE MUNICIPALITY OF COLCHESTER, a Municipal Corporation;

OF THE SECOND PART

- and -

THE MUNICIPALITY OF EAST HANTS, a Municipal Corporation;

OF THE THIRD PART

- and -

THE TOWN OF AMHERST;

OF THE FOURTH PART

- and -

~~THE TOWN OF SPRINGHILL;~~

~~OF THE FIFTH PART~~

~~-and-~~

THE TOWN OF OXFORD;

OF THE ~~SIXTH~~FIFTH PART

- and -

~~THE TOWN OF PARRSBORO;~~

~~OF THE SEVENTH PART~~

~~-and-~~

THE TOWN OF TRURO;

OF THE ~~EIGHTH~~SIXTH PART

- and -

THE TOWN OF STEWIAKKE

OF THE ~~NINTH~~SEVENTH PART

Whereas ~~the Environment Act SNS 1994-95, c.1, as amended~~ and the Solid Waste-Resource Management Regulations *authorize and create* ~~seven~~ (7) Solid Waste Resource Regions in the Province of Nova Scotia including Region 3, known as the Northern Region which is comprised of the counties of Colchester and Cumberland and the District of East Hants. The mandate of the Northern Region is to enable the Municipal units to collaborate in order to meet waste resource objectives as set and determined by the Minister of Environment. These objectives could include, but are not limited to, solid waste-resource management reports, plans, disposal targets, diversion goals and ~~fair~~ distribution of provincial funding.

And whereas the parties agree that the respective elected Municipal representatives and staff will work collectively and cooperatively on the objectives as set by the Minister, the recommendations are non-binding and each individual ~~Municipal Unit~~ retains full responsibility and authority for all financial and operational decisions required to comply with the Environment Act and regulations.

AND WHEREAS the parties have previously cooperated in the creation of a Northern Region Solid Waste Management Plan;

AND WHEREAS it is in the best interests of the parties to work in a coordinated manner with all Municipal Units within Northern Region;

AND WHEREAS there is a need to determine how inter-municipal cooperation can be achieved, how decisions can be made, and how decisions or recommendations made through cooperative discussions can be reviewed and approved by the parties;

AND WHEREAS the parties wish to formalize by Agreement, the arrangement which has been in effect;

WITNESSETH that in consideration of the mutual covenants hereinafter set out, the parties agree as follows:

1. Effective Date:

- 1.1 The parties acknowledge the creation of the Northern Region Solid Waste Resource Committee (NRWRC) effective January 1, 1999, to which each party belongs.

2. Representation

- 2.1 The Council for each Municipal Unit shall appoint one elected representative and one alternate to attend meetings of the Northern Region Solid Waste Resource Committee to address solid

waste resource issues. The Council representatives shall be the voting members.

- 2.2 In addition to elected representation Staff may attend meetings in an ex officio capacity without voting privileges.

3. Meetings

- 3.1 The Committee shall select from the elected members a Chairperson and a Vice-Chairperson to preside as Chairperson.
- 3.2 The Chairperson shall preside for a two (2) year term. Thereafter, and before the expiry of each Chairperson's term, the Committee shall elect a replacement Chairperson.
- 3.3 No Chairperson shall serve more than two (2) consecutive terms without interruption, unless agreed upon by the committee.
- 3.4 The Committee shall meet at least on a quarterly basis or as deemed necessary by the Chairperson or Vice-Chairperson or at the request of three (3) participating members.
- 3.5 Each meeting of the Committee shall be chaired by the Chairperson or Vice-Chairperson, or in their absence, a member selected at the meeting.
- 3.6 Meeting locations shall be on a rotating basis, and/or hosted virtually as decided by the Committee.
- 3.7 Scheduled meetings of the Committee, require a quorum of ~~five (5)~~ four (4) Municipal Units present, who represent more than 50% of the population (as per the latest census figures) of Northern Region. Decisions shall be by majority vote of elected officials representing the Region and who are present and voting at the time decisions are made.
- 3.8 Each Municipal Unit is allowed one vote.
- 3.9 Elected representatives must attend Northern Region Meetings. If the elected representative does not attend three consecutive meetings without leave of the Committee the Municipality will be asked to appoint a new representative.

4. Administrative Representatives

- 4.1 A group of administrative representatives as directed by the Committee may meet separately and apart or together with the elected representatives to consider the issues before the Committee and present the entire Committee of elected and appointed representatives with a prepared

agenda for meetings and specific recommendations in relation to same.

- 4.2 Meetings of the administrative representatives, if held, may be held on a rotating basis, as decided by the Committee.
- 4.3 Each meeting of the administrative representatives shall be chaired by an administrator in the area where the meeting is being held or by any other method determined by the administrative representatives.

5. Funding

- 5.1 Funding currently available from the Province for Regional Coordinators shall be directed to the ~~host of the~~ Regional Coordinator positions, during the period of the Committee's existence. The ~~be shared position shall rotate~~ between Cumberland Joint Services Management Authority, ~~Colchester Colchester Solid Waste Resource Management~~, and the Municipality of East Hants. two years. The committee will describe the role of the Regional Coordinator by resolution passed from time to time.

Coordinator for the purposes of liaising with the Resource Recovery Fund Board Nova Scotia (RRFB) now known as DivertNS and other stake holders on behalf of their participating units.

- 5.2 The participating Authorities/Municipalities will each assign an employee as the ~~Waste Reduction~~ Regional Coordinator for the purposes of liaising with the Resource Recovery Fund Board Nova Scotia (RRFB) now known as DivertNS and other stake holders on behalf of their participating units.

- 5.3 Funding made available from the Province or other stakeholders shall be disbursed to partners as the funding is designed. Ie Diversion credit funding distributed by actual diversion rates, funding by contract (Education & Enforcement), funding by population will be divided through the Region etc.

6. Independent Discussions

- 6.1 Each party shall have the right to enter into independent discussions and agreements without being restricted as a result of participating formally in the Northern Region Solid Waste Resource Committee.

SIGNED, SEALED AND DELIVERED

in the presence of

**THE MUNICIPALITY OF THE
COUNTY OF CUMBERLAND**

Per.....

Rennie J. Bugley, CAO

Per.....

~~R. Keith Hunter~~, Warden

**THE MUNICIPALITY OF THE
COUNTY OF COLCHESTER**

Per.....

~~Dan McDougall~~ Rob Simonds, CAO

Per.....

~~Bob Taylor~~ Christine Blair, Mayor

**THE MUNICIPALITY OF EAST
HANTS**

Per.....

~~Ian Glasgow~~ Kim Ramsay, CAO

Per.....

~~John Patterson~~, Warden

THE TOWN OF AMHERST

Per.....

Greg Herrett, CAO

Per.....

~~Robert Small~~, Mayor

THE TOWN OF SPRINGHILL

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) Per.....
) Don Tabor, CAO
)
)
) Per.....
) Allen Dill, Mayor

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) THE TOWN OF OXFORD
)
) Per.....
) ~~Darrell White~~ Rachel Jones, CAO
)
)
) Per.....
) ~~Lloyd Jenkins~~, Mayor

) THE TOWN OF PARRSBORO
)
) Per.....
) Ray Hickey, CAO
)
)
) Per.....
) Lois Smith, Mayor

) THE TOWN OF TRURO
)
) Per.....
) ~~Jim Langille~~ Mike Dolter, CAO
)
)
) Per.....
) Bill Mills, Mayor

) **THE TOWN OF STEWIACKE**
)

) Per:.....
)

) ~~Sheldon Dorey~~ Dale Bogle, CAO
)

) Per:.....
)

) ~~Dereck Rhoddy~~ George Lloyd, Mayor
)

SYNOPSIS

Purchase and Sale Agreement – Victoria and Havelock

The properties at the corner of Victoria and Havelock Streets have been utilized by the Town as a public park for in excess of 20 years. These properties are privately owned and a formalized agreement has never been executed. As staff began to develop formalized municipal usage agreements for these properties it became clear that it may be beneficial for the Town to own them for the purposes of potential future development.

MOTION: That Council approve the attached purchase and sale agreements for the two properties located at the corner of Havelock and Victoria Streets, identified as PID's 25005208 and 25033861, and authorize the Mayor and CAO to sign on their behalf. And further, that the 2020/21 Capital Budget be amended to include the Land Purchase at Victoria and Havelock Streets in the amount of \$65,000 and remove the Purchase Outdoor Skating Rink (Victoria Street) project in the amount of \$65,000.



AMHERST TOWN COUNCIL

RFD# 2021011

Date: February 22, 2021

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, Deputy CAO - Operations

DATE: February 22, 2021

SUBJECT: Purchase and Sale Agreement – Victoria and Havelock

ORIGIN: Motion of Committee of the Whole December 12, 2020: That Council direct staff to commence negotiations for the eventual purchase of the two properties currently utilized by the Town as a public park located at the corner of Havelock and Victoria Streets, identified as PID's 25005208 and 25033861. MOTION CARRIED

LEGISLATIVE AUTHORITY: Municipal Government Act Section 50 (1) A municipality may acquire and own property granted or conveyed to the municipality either absolutely or in trust for a public or charitable purpose.

RECOMMENDATION: That Council approve the attached purchase and sale agreements for the two properties located at the corner of Havelock and Victoria Streets, identified as PID's 25005208 and 25033861, and authorize the Mayor and CAO to sign on their behalf. And further, that the 2020/21 Capital Budget be amended to include the Land Purchase at Victoria and Havelock Streets in the amount of \$65,000 and remove the Purchase Outdoor Skating Rink (Victoria Street) project in the amount of \$65,000.

BACKGROUND: The two properties in question have been utilized by the Town as a public park for in excess of 20 years. These properties are privately owned and a formalized agreement has never been executed. The property owners have paid municipal property tax on the properties during this time. As staff began to develop a formalized municipal usage agreement for these properties it became clear that it may be beneficial for the Town to own them.

DISCUSSION: Prior to any investment in the property for future development, Town ownership is essential.

The owner of 95 Victoria Street (Joan E. Cameron) has agreed to sell her property for \$30,800. The owner of 97 Victoria Street (Margaret Elizabeth Monroe) has agreed to sell her property for \$25,000. Both property owners stipulated that the Town must pay all applicable legal fees for the transaction.



FINANCIAL IMPLICATIONS: The total cost of the property acquisition is \$55,800 with legal fees estimated to be approximately \$5,000. This amount can be accommodated with the \$65,000 currently in the Capital Budget for the purchase of the outdoor skating rink, which will no longer occur.

SOCIAL JUSTICE IMPLICATIONS: The future development of the property for public purposes will take social justice, accessibility and inclusivity into account.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to the purchase of the subject properties.

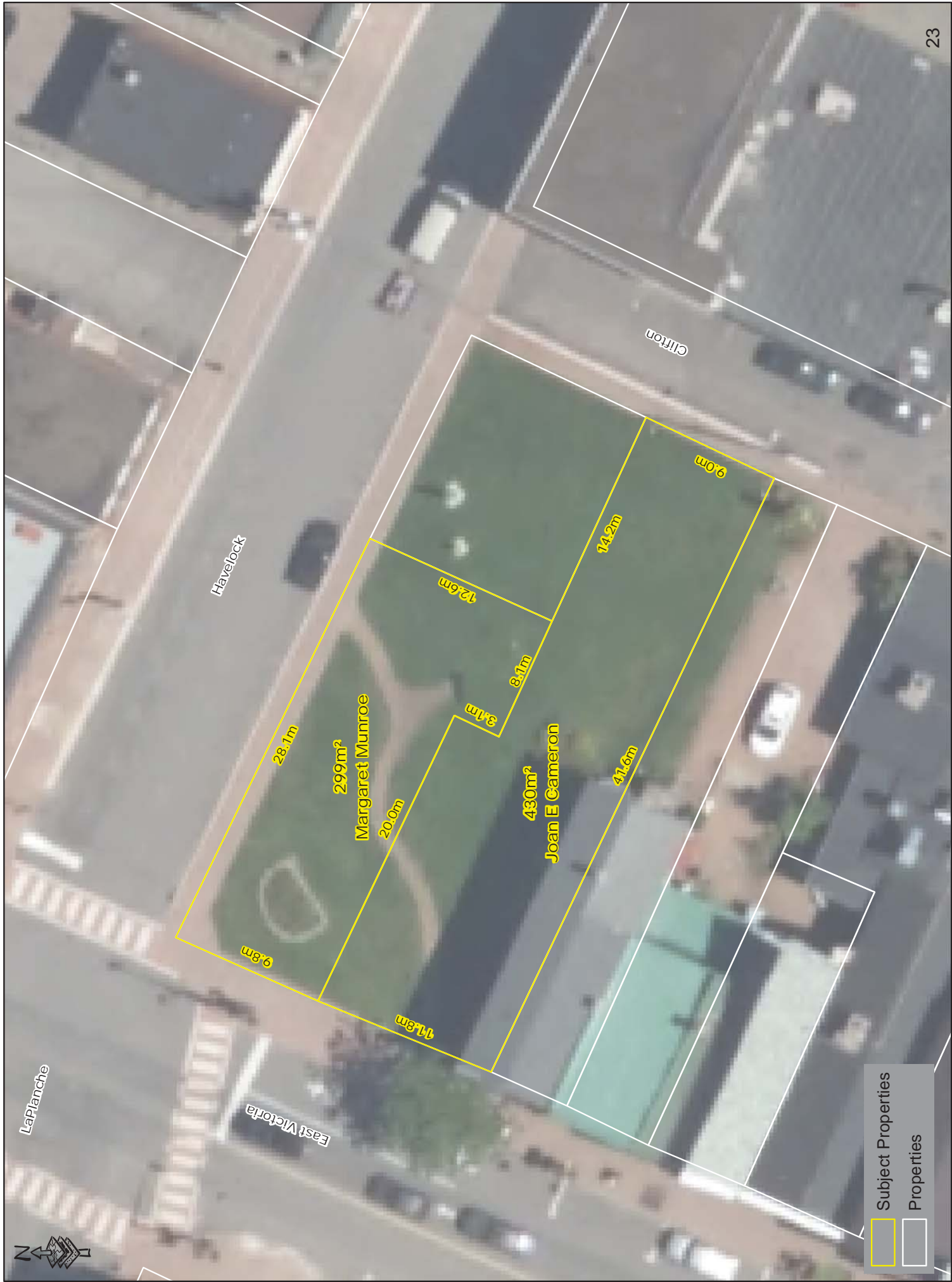
COMMUNITY ENGAGEMENT: As with any potential property sale or acquisition by the Town, community engagement is not appropriate at this stage.

ALTERNATIVES: Direct staff to inform the property owners that the Town is not interesting in pursuing the acquisition of these properties.

ATTACHMENTS: Purchase and Sale Agreement. Map of Property.

Report prepared by:

Report and Financial approved by:



AGREEMENT OF PURCHASE AND SALE

BETWEEN:

THE TOWN OF AMHERST, a municipal corporation, incorporated under the laws of the Province of Nova Scotia (the “Purchaser”)

-and-

JOAN E. CAMERON, of Amherst, in the County of Cumberland and Province of Nova Scotia (the “Vendor”)

OFFER

1. The Purchaser hereby offers to purchase from the Vendor the parcel of land located at 95 East Victoria Street, Amherst, Nova Scotia (the “Property”) being PID 25005208 for a sum of Thirty Thousand Eight Hundred Dollars (**\$30,800.00**) of lawful money of Canada together with all adjustments pursuant to this agreement.

CONDITIONS

2. The Purchaser shall pay all costs associated with the migration and purchase of the Property as well as the sale of the Property on behalf of the Vendor.

DEPOSIT

3. The Purchaser does not submit a deposit with this offer.

CLOSING DATE

4. This agreement shall be completed on or before the ___ day of March, 2021 (the “Closing Date”). Upon completion, possession of the property shall be given to the Purchaser.

TITLE

5. The Vendor is to furnish the Purchaser with a metes and bounds description of the property which is the subject of this Agreement, after receipt whereof the Purchaser is allowed 10 days to investigate the title to the Property, which he shall do at his own expense. If within that time any valid objection to title is made in writing, to the Vendor, which the Vendor shall be unable or unwilling to remove, and which the Purchaser will not waive, this Agreement shall be null and void.

CONVEYANCE

6. The Conveyance (of the Property which is the subject of this Agreement) shall be by Warranty Deed drawn at the expense of the Purchaser, to be delivered on payment of the purchase price on the Closing Date. The said property is to be conveyed free from other encumbrances, except as to any easements, registered restrictions or covenants that affect the property and do not materially affect the enjoyment of the property.

ADJUSTMENTS

7. The purchase price shall be paid on the Closing Date subject to an adjustment for municipal property taxes.

SOLICITOR OF TRANSACTION

8. Creighton Shatford will be the solicitor for the transaction. No information received in connection with the transaction from one client can be treated as confidential so far as any of the others are concerned; and if a conflict develops that cannot be resolved, the lawyer cannot continue to act for both and may have to withdraw completely.

HST CERTIFICATE

9. The Vendor shall certify on or before the Closing Date that the Property is not subject to HST.

TENDER OF DOCUMENTS AND CHEQUE

10. Any tender of documents to be delivered or money payable hereunder may be made upon the Vendor or the Purchaser or any party acting for him and money may be tendered by certified cheque or solicitor's trust cheque.

TIME OF ESSENCE

11. Time shall in all respects be of the essence in the Agreement. In the event of a written agreement of extension, time shall continue to be of the essence.

BINDING

12. This Agreement shall enure to the benefit and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

CHANGES OF NUMBER AND GENDER

13. This agreement is to be read with all changes of gender or number required of the context.

ACCEPTANCE DATE

14. This offer shall be open for acceptance until 1:00pm on the ____ day of February, 2021.

Dated at Amherst, in the Province of Nova Scotia this ____ day of February, 2021

TOWN OF AMHERST (Purchaser)

Witness

PER: DAVID KOGON, Mayor

VENDOR'S ACCEPTANCE OF OFFER

15. I hereby accept the above offer and agree to sell on the terms as therein set forth.

Dated at Amherst, in the Province of Nova Scotia this ____ day of February, 2021

Witness

JOAN E. CAMERON (Vendor)

AGREEMENT OF PURCHASE AND SALE

BETWEEN:

THE TOWN OF AMHERST, a municipal corporation, incorporated under the laws of the Province of Nova Scotia (the “Purchaser”)

-and-

MARGARET ELIZABETH MONROE, of Amherst, in the County of Cumberland and Province of Nova Scotia (the “Vendor”)

OFFER

1. The Purchaser hereby offers to purchase from the Vendor the parcel of land located at 97 East Victoria Street, Amherst, Nova Scotia (the “Property”) being PID 25033861 for a sum of Twenty-Five Thousand Dollars (**\$25,000.00**) of lawful money of Canada together with all adjustments pursuant to this agreement.

CONDITIONS

2. The Purchaser shall pay all costs associated with the migration and purchase of the Property as well as the sale of the Property on behalf of the Vendor.

DEPOSIT

3. The Purchaser does not submit a deposit with this offer.

CLOSING DATE

4. This agreement shall be completed on or before the ___ day of March, 2021 (the “Closing Date”). Upon completion, possession of the property shall be given to the Purchaser.

TITLE

5. The Vendor is to furnish the Purchaser with a metes and bounds description of the property which is the subject of this Agreement, after receipt whereof the Purchaser is allowed 10 days to investigate the title to the Property, which he shall do at his own expense. If within that time any valid objection to title is made in writing, to the Vendor, which the Vendor shall be unable or unwilling to remove, and which the Purchaser will not waive, this Agreement shall be null and void.

CONVEYANCE

6. The Conveyance (of the Property which is the subject of this Agreement) shall be by Warranty Deed drawn at the expense of the Purchaser, to be delivered on payment of the purchase price on the Closing Date. The said property is to be conveyed free from other encumbrances, except as to any easements, registered restrictions or covenants that affect the property and do not materially affect the enjoyment of the property.

ADJUSTMENTS

7. The purchase price shall be paid on the Closing Date subject to an adjustment for municipal property taxes.

SOLICITOR OF TRANSACTION

8. Creighton Shatford will be the solicitor for the transaction. No information received in connection with the transaction from one client can be treated as confidential so far as any of the others are concerned; and if a conflict develops that cannot be resolved, the lawyer cannot continue to act for both and may have to withdraw completely.

HST CERTIFICATE

9. The Vendor shall certify on or before the Closing Date that the Property is not subject to HST.

TENDER OF DOCUMENTS AND CHEQUE

10. Any tender of documents to be delivered or money payable hereunder may be made upon the Vendor or the Purchaser or any party acting for him and money may be tendered by certified cheque or solicitor's trust cheque.

TIME OF ESSENCE

11. Time shall in all respects be of the essence in the Agreement. In the event of a written agreement of extension, time shall continue to be of the essence.

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12. This Agreement shall enure to the benefit and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

CHANGES OF NUMBER AND GENDER

13. This agreement is to be read with all changes of gender or number required of the context.

ACCEPTANCE DATE

14. This offer shall be open for acceptance until 1:00pm on the ____ day of February, 2021.

Dated at Amherst, in the Province of Nova Scotia this ____ day of February, 2021

TOWN OF AMHERST (Purchaser)

Witness

PER: DAVID KOGON, Mayor

VENDOR'S ACCEPTANCE OF OFFER

15. I hereby accept the above offer and agree to sell on the terms as therein set forth.

Dated at Amherst, in the Province of Nova Scotia this ____ day of February, 2021

Witness

MARGARET ELIZABETH MONROE (Vendor)

SYNOPSIS

Appointment of Members of Council to External Boards, Committees and Commissions

Council has been discussing the manner in which appointments of its members to the list of various external boards and committees are made, and the roles and responsibilities of Councillors once appointed. This policy attempts to clarify the circumstances in which Council will consider appointments, including the commitment and role of Councillors once appointed. It also sets out the roles of members of Council serving on committees to which they have not been formally appointed by Council.

The amendments include a statement on how external committees present reports to Council and requires external committees to submit a terms of reference for Council to consider when determining if a Council appointment is appropriate.

It is hoped that the amendments will clarify roles, responsibilities and expectations to Councillors as well as the external groups they may be engaging with at the committee level.

MOTION: That Council approve the amendments to the Policy #10350-28 Appointments of Members of Council to External Boards, Committees and Commissions.

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Kimberlee Jones, Municipal Clerk

DATE: February 22, 2021

SUBJECT: **Review of Members of Council to External Board and Committees Policy**

ORIGIN: Council has identified the review of all committees as a priority for the current year

LEGISLATIVE AUTHORITY: Section 24 of the Municipal Government Act provides the statutory authority to Council with respect to standing, special and advisory committees.

DIRECTION REQUESTED: That Council approve the amendments to the Policy for Appointments of Members of Council to External Boards, Committees and Commissions.

DISCUSSION: Council has been discussing the manner in which appointments of its members to the list of various external boards and committees and the roles and responsibilities of Councillors once appointed. This policy attempts to clarify the circumstances in which Council will consider appointments, including the commitment and role of Councillors once appointed. It also sets out the roles of member of Council serving on committees to which they have not been formally appointed by Council. It is hoped that the amendments will clarify roles, responsibilities and expectations to Councillors as well as the external groups they may be engaging with at the committee level.

FINANCIAL IMPLICATIONS: There are no direct financial implications arising from the potential adoption of this policy.

COMMUNITY ENGAGEMENT: There has been no community engagement.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications.

SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications.

ALTERNATIVES:

- Do not amend policy
- Return to staff for further revisions
- Amend as presented

ATTACHMENTS: Proposed Policy – Appointment of Members of Council to External Board, Committees & Commissions

Report prepared by:

DEPARTMENT: COUNCIL

TITLE: **APPOINTMENT OF MEMBERS OF COUNCIL TO EXTERNAL BOARDS, COMMITTEES & COMMISSIONS**

Minutes reference date: February 26, 2018

Short Title

1. This Policy may be known as the *Appointments of Members of Council to External Bodies Policy*.

Purposes

2. The purposes of this Policy are to determine
 - (a) when Council may appoint or refuse to appoint Members to external bodies;
 - (b) which external bodies Council may consider appointing Members;
 - (c) the reporting requirements regarding other bodies on which Members may choose to serve without the appointment of Council.

Interpretation

3. In this Policy,
 - (a) "CAO" means the Chief Administrative Officer of the Municipality;
 - (b) "Clerk" means the Clerk of the Municipality, and includes a person acting under the direction or supervision of the Clerk;
 - (c) "Council" means the Council of the Town;
 - (d) "External body" means any board, commission, committee, body or local authority of any kind established to exercise or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or parts thereof or of two or more municipalities or parts thereof, or to which a municipality or municipalities are required to provide funds.
 - (e) "Member" means a member of Council, including the Mayor; and
 - (f) "Municipality" means the Town of Amherst.

Roles and Responsibilities

4.
 - (a) Only Council may appoint Members to external bodies.
 - (b) Any appointment by Council of Members to external bodies shall be made pursuant to section ~~89~~ or ~~940~~ of ~~the this~~ Policy.
5. Council shall only make appointments to external committees after having received and considered the terms of reference from external committee.
6. The Clerk shall keep a list of the appointments of Members to external bodies made by Council.
7. ~~A Member who sits on an external body that has not been appointed to such body by Council shall provide the name of that external body to the Clerk.~~

External Bodies

~~8.7.~~ Council shall not be bound by the by-laws or articles of incorporation adopted by an external body providing for the appointment of a Member to such body.

Council Appointments Required by Enactment, By-law or Agreement

~~9.8.~~ (1) Council may appoint Members to external bodies

- (i) in accordance with any enactment of the Government of Canada or Province of Nova Scotia;
- (ii) in accordance with the By-laws of the Municipality or an agreement to which the Municipality is a party; or
- (iii) as otherwise directed by Council.

(2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix A.

(3) Council may amend Appendix A to add or remove the name of an external body.

External Bodies by Council Appointment

~~10.9.~~ (1) Council may appoint Members to bodies, including external bodies, which in the opinion of Council:

- (a) are community wide in scope;
- (b) affect or may affect a municipal interest; or
- (c) are community organizations with a mandate to provide an alternative service delivery in respect of municipal property on behalf of the Municipality, and to which the Municipality is the primary funder.

2) Information or actions from a Committee to be considered by Council will be presented using the "External Committee Report Template" and included in the agenda package for the next regularly scheduled meeting.

(3) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix B.

(4) Council may amend Appendix B to add or remove the name of an external body.

External Bodies Without Council Appointment

~~11.10.~~ (1) A Member who sits on a body that has not been appointed to such body by Council shall advise the Clerk of the name of the body on which he or she sits.

(2) The Clerk shall retain a list of the names of the bodies provided by the Members pursuant to subsection 1 of this section and the list shall indicate the name of the Member and the name of the body provided.

(3) The Clerk shall retain the list created pursuant to subsection 2 of this section in the Office of the Municipal Clerk as a public record.

(4) The Clerk shall provide the list annually to the Members for their review and the Members shall advise the Clerk of any errors or omissions on such list.

Appendices

~~12.11.~~ Any Appendix attached to this Policy shall form part of the Policy.

Appendix A
External Bodies to which Members
are appointed pursuant to section 9

Board, Committee or Commission	Members Appointed	Act, Legislation, By-Law Agreement or Membership
Cumberland Public Libraries Board	1 Member appointed	By-laws of Board
Cumberland Joint Services Management Authority	2 Members appointed	Intermunicipal Agreement
Regional Emergency Management	2 Members appointed	Intermunicipal Agreement
Amherst Board of Police Commissioners	3 Members appointed	Bylaw — Amherst Board of Police Commissioners
Northern Region Solid Waste	1 Member appointed	Intermunicipal Agreement
Cumberland YMCA	1 Member appointed	Contribution Agreement
LA Animal Shelter	1 Member appointed	Contribution Agreement

Appendix B

External Bodies to which Members are appointed pursuant to Section 10

[illegible]

Internal Committee Report

Planning Advisory Committee

February 2021

The Planning Advisory Committee held a virtual Public Participation Opportunity on February 3, 2021.

The first item on the agenda was a Development Agreement application for 11 Victor Avenue to allow a Garden Suite within the existing accessory building on the property. There were no questions or comments from the public.

The second item on the agenda was a Development Agreement application for 15 Clinton Street to amend an existing development agreement for the property to convert the interior of an existing 3-unit dwelling to 4-units. There were again no questions or comments from the owners or the public; however, there was one written submission in support of the application.

Internal Committee Report

Amherst Board of Police Commissioners

February 2021

The Amherst Board of Police Commissioners met on February 18, 2021 at 3:00 p.m. Items on the agenda included the election of Chair and Vice Chair, a presentation of the Amherst Police Department's 2021-22 capital budget, a review of the department's training and priorities for 2021-22, as well as the Chief's report.

Internal Committee Report

Amherst Youth Town Council

February 2021

The Amherst Youth Town Council met once this month on February 10, 2021 in the Amherst Regional High School Library. The AYTC discussed the possibility of hosting a prom for the graduating class of 2021. We discussed providing a location for the prom, such as Victoria Square. At this time, the ARHS Prom Committee is still planning on hosting a prom and the topic of AYTC helping out with any sort of planning will continue to be discussed as the date moves closer and more details become available. The AYTC also discussed the possibility of hosting a virtual event for the 2021 Winter Carnival but due to such a short time frame an event was not possible to put on. We did discuss the possibility of creating a Snapchat geofilter to cover the town for the youth to use for the duration of the carnival or for another more specified period of time.

The Amherst Youth Town Council has been working hard the past few months to put out a youth survey, consisting of topics such as COVID-19 (How has COVID affected you?) Mental Health and Mental Health resources, police reform (possibly re-allocating funds), climate crisis, discrimination and poverty. The survey has been live since February 11th, so far we have roughly 30 responses and are working with the schools to get it posted around the schools and get more student participation. We plan to keep the survey live until March.

The Amherst Youth Town Council has plans to meet next on March 3rd, 2021 at the Amherst Regional High School Library.

External Committee Report

Cumberland YMCA

February 2021

Membership/Fitness/Aquatics

Membership (as of 01/22)

Total Active Members: 922

Subsidized Members: 109

Aquatics

Group Swimming Lesson Participants: 102

Intro to Competitive Participants: 8

Private Lesson Participants: 45

Fitness

20 for 21 YMCA Fitness Challenge for Members will begin on February 1, 2021

Virtual and Live Classes currently being offered for Members

Y Thrive Participants: 29

Development

Coldest Night of the Year will be taking place on Saturday, February 20, 2021. Based on current provincial guidelines, we can have an outdoor event. If anything changes with the restrictions this even can be moved to virtual. Property Guys has sponsored the event for \$1,000

Community Development

The YMCA was awarded \$4,250 from the Community Health Boards for a new project – Staying Connected Through Technology. Tablets that can be connected to the Internet will be purchased and distributed to vulnerable adults, seniors and families who are experiencing social isolation due to COVID-19. A volunteer will be available, where necessary, to connect the tablet to the Internet, download apps and to provide an orientation to the tablet.

There was an increase in need for the program during January, with many clients in financial need due to the transition from CERB back to Income Assistance. Ellen and Amanda have found housing for 4 individuals during this time, provided eviction prevention assistance to a further 2 and helped with 10 other cases who did not require financial assistance.

Seven summer student positions have been applied for from the Province, including a Co-op Community Development Assistant position, Youth Recreational Leader, two lifeguards and three day camp leaders. We anticipate to hear back from the Province by March with regards to these positions being funded.

Reaching Home, through AHANS, has provided an additional \$10,000 in funding due to the anticipated increase in demand for services as a result of COVID-19. Additionally, the Department of Municipal Affairs and Housing have provided a further \$5,000 to help with this increase in demand.

External Committee Report

L.A. Animal Shelter

February 2021

We have taken the opportunity to do a deep cleaning and restructuring of the shelter, as our animal count is down after a large run of adoptions. The shutdown is necessary to be able to do a thorough disinfection of all surfaces and kennels, as well as take inventory of on-site flea and worm treatments and vaccines.

Spring is coming and we expect an influx of kittens at this time so preparation is key. We are reopening to the public on February 22.

We have had performance issues with our manager and the board decided to terminate his position with the shelter. We were not satisfied that he was performing his duties to our standards and the standards that the animals required. We are running successfully with our remaining staff and volunteers and will seek another manager in the near future.

We are continuing with our fundraising virtually due to Covid-19 restrictions.

We hope to begin renovations to the on-site Dixon building, transforming it into an animal intake area. We will keep you updated on the progress of this project.

External Committee Report

Senior Safety

February 2021

There are 2 new members of the Senior Safety Committee, Cst. Charlie Munro who is replacing Cst. Tom Wood and Brendan Story from Continuing Care.

There is work now being done to prepare for a hoarding mini-conference that will be done virtually in late May 2021. There will also be some in person meetings held during the conference if the pandemic is not a factor. This will be part of the Learn to Lead programming coming from Cumberland County. Topics will include mental health and hoarding, how to deal with this as a family member, issues and consequences of hoarding and training for bylaw officers, police and EHS persons.

There will also be a scooter safety program offered later in the Spring. This will provide standard safety issues and where they can be driven, what side of the road, pathways etc.

The Plow It Forward program is being advertised on Facebook and CFTA radio. We still need more people that are willing to plow or shovel snow for seniors that are stuck in their homes due to snow storms. Having a senior stuck in their homes can cause a safety issue for them and can affect any continuing care they may be receiving from VON. There will be another poster created and we will request that it be placed on the Town's website and the Amherst Recreation Facebook page. Trishe Colman, the Senior Safety Coordinator will be in touch with the principal of the high school to see if any students may want to help shovel walkways and driveways of housebound seniors.

We typically meet the 3rd Tuesday of each month from 1:30 to 3:00 p.m. We will be working on our policies and terms of reference manual during the next meeting in March.

External Committee Report

Municipal Alcohol Project

February 2021

Cst. Tom Wood, who was part of this project since inception, has been reassigned duties at the Amherst Police Department. He will be replaced by Cst. Charlie Munroe on the Municipal Alcohol Project.

The Committee will be moving forward with the Photovoice project regarding reflection of 2020 and some of the positive things that may have happened to people during that year. We will reach out to the high school for your participation as well.

Questions for the photovoice project include but not limited to:

- What is the most positive thing you have done in 2020?
- What is something positive you learned about the world in 2020?
- What is something you have learned about yourself in 2020?

Maggie's Place is interested in becoming part of our MAP project and to join the conversation. We have reached out to other community committees to see if they would like to become involved in the project as well.

Our Terms of Reference will be reviewed at our next meeting in March. For now our meeting is scheduled for the first Tuesday of each month from 1:30 to 3:00 p.m. Due to conflicting schedules in March the date might move for that month only. There will be a doodle poll sent out to find the best date to meet in March.