

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, January 24, 2005 at 7:00 P.M.**

PRESENT: Mayor Jerry Hallee
Deputy Mayor David March
Councillor Robert Angel (*arrived at 7:45*)
Councillor George Baker
Councillor Ed Chitty
Councillor Dale Fawthrop
Councillor Terry Rhindress
Ed Childs, Town Manager
Rebecca Smith, Executive Assistant

1. **O'CANADA**
2. **DELEGATIONS/PETITIONS/PRESENTATIONS**
3. **CALL TO ORDER**
4. **BUSINESS ITEMS**

1. **Additions to the Agenda**

Moved by Councillor Baker, seconded by Councillor Chitty that *Free Water at the Amherst Fire Station* be added to the agenda as Item 4. (1)

MOTION CARRIED

2. **Approval of the Agenda**

Moved by Councillor Baker, seconded by Deputy Mayor March that the Agenda be adopted with the above noted addition.

MOTION CARRIED

3. **Approval of Minutes**

Moved by Deputy Mayor March, seconded by Councillor Fawthrop that Council approve the Minutes of the November 29, 2004 regular meeting, as circulated.

MOTION CARRIED

4. **Second Reading: Civic Address By-Law (P-3)**

Moved by Councillor Baker, seconded by Councillor Rhindress that Council approve Second Reading and enactment of the Civic Address By-Law, Number P-3.

MOTION CARRIED

**Town of Amherst
Civic Address By-Law (P-3)**

1.0 This By-Law is entitled the Town of Amherst Civic Address By-Law and is developed in accordance with the Municipal Government Act 1998, Part 7 Section 313.

2.0 Definitions

In this By-Law:

- a) **"Building"** means any structure whether temporary or permanent, used or capable of being used for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.
- b) **"Town"** means the Town of Amherst.
- c) **"Lot"** means any parcel of land described in a registered deed or as shown in a registered plan of subdivision.
- d) **"Civic Number"** means the number assigned to a lot or building by the Development Officer or designate. In the case of multiple tenant buildings, the civic number may also contain a suite identifier.

- e) **“Owner(s)”** means;
- i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - iii) in the absence of proof to the contrary, the person assessed for the lot;
- f) **“Roadway”** means that portion of a street improved, designed or ordinarily used for vehicular traffic.
- g) **“Street or Road”** means the whole and entire right-of-way of every highway, road, or road allowance vested in, or maintained by the Province of Nova Scotia or the Town of Amherst.

3.0 General

- 3.1 The Development Officer is responsible for the assigning of civic numbers to lots and buildings fronting upon or abutting a street. When the situation warrants, the Development Officer may assign a separate civic number to an accessory building on a lot. The Development Officer shall keep a record of civic numbers which have been assigned.
- 3.2 The Development Officer may assign civic numbers to lots for which subdivision approval is requested, or to buildings for which a development and/or building permit is requested. The Development Officer is not required to assign a civic number to an undeveloped lot.
- 3.3 The Development Officer may, by written notice to an owner, change or reassign civic numbers where reasonably necessary to avoid potentially confusing numbering situations, discontinuities or irregularities.
- 3.4 A civic number which is displayed on a building or lot on the date of the enactment of this by-law shall continue to be its civic number until such time as the Development officer may, by written notice, otherwise direct.

4.0 Display of Numbers

- 4.1 The owner of a lot on which a building is located shall display on the lot the civic number of the building in the manner provided herein.
- 4.2 An owner shall not display nor permit to be displayed upon his lot any number which is not it's civic number. The Development Officer may, by written notice, require an owner to remove from his lot any number which is displayed thereon which is not it's civic number.
- 4.3 Subject to subsection (4.1), all civic numbers shall be displayed upon a lot in the following manner:
- (a) it shall be in Arabic numerals;
 - (b) the bottom of the numerals shall be a least 1.2 metres above the ground;
 - (c) the color of each numeral shall clearly contrast with the color of the building or post or sign on which it is located;
 - (d) it shall be placed upon the building in such a location that it faces toward and is clearly visible from the roadway or the street from which it is numbered;
 - (e) if it is located on a sign or post or on a building which is within 15 metres of the roadway, then the numerals shall be not less than 100 millimeters in height;
 - (f) if it is located on a building which greater than 15 metres from the roadway, then the numerals shall be not less than 150 millimeter in height;
- 4.4 A civic number shall be displayed on a post or a sign if a civic number which is located on a building cannot be easily read from the roadway from which the building is numbered. The post or sign shall be located on the lot within five (5) metres of the street boundary and the numerals shall face towards and be clearly visible from the roadway.
- 4.5 The Development Officer may, in writing, require the owner to place a civic number on a sign or post located on the lot adjacent to the entrance of a driveway which provides emergency vehicle access to a building.

5.0 Orders

- 5.1 In event of contravention of this Bylaw the Development Officer may serve, or cause to be served an Order to Comply by personal delivery, registered mail or posting on the property.
- 5.2 Every Order to Comply shall contain:
- (a) the section of the Bylaw which has been contravened;
 - (b) actions to be taken in order to bring the property into compliance with the bylaw;
 - (c) the date by which the property must be brought into compliance with the order;
 - (d) the action which will be taken against the owner should the property not be brought into compliance.

5.3 Where an owner fails to comply with the requirements of an Order within the time frame stipulated therein, the Development Officer may enter upon the property without warrant or other legal process and undertake the work specified in the Order.

5.4 Where the Development Officer undertakes the work specified in the Order, the Town may charge and collect the costs thereof either from the owner or as a first lien on the property affected.

6.0 Penalty

6.1 Every person who violates or fails to comply with any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty not less than One Hundred Dollars (\$100.00) and not exceeding One Thousand Dollars (\$1,000.00) and in default of payment to imprisonment for a period not exceeding ten (10) days.

5. Second Reading: Minimum Standards for Residential Occupancies By-Law (P-4)

Moved by Deputy Mayor March, seconded by Councillor Chitty that Council approve Second Reading and enactment of the Minimum Standards for Residential Occupancies By-Law, Number P-4.

MOTION CARRIED

**TOWN OF AMHERST
MINIMUM STANDARDS FOR RESIDENTIAL OCCUPANCIES
BYLAW (P-4)**

Pursuant to Section 181 of the Municipal Government Act, BE IT ENACTED by the Council of the Town of the Town of Amherst as follows.

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

Definitions

2. (1) Unless otherwise defined herein, definitions contained in the *Building Code Act, Nova Scotia Building Code Regulations, The Municipal Government Act* and the *National Building Code* also apply to this By-law.
- (2) In this By-law
 - (a) "Building", for the purposes of this by-law, means any structure having a roof supported by columns or walls and intended to provide residential accommodation and which is connected, directly or indirectly, to Municipal Services.
 - (b) "Council" means the Council for the Town of Amherst.
 - (c) "Dwelling Unit" means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment.
 - (d) "Habitable room" means a room designed for or which may be used for living, sleeping, eating or cooking.
 - (e) "Inspector" means the person appointed by the Town to be the Building Inspector or their designate.
 - (f) "Town" means the Town of Amherst.
 - (g) "Order to Comply" means a notice to the owner of a building to correct any violations of this bylaw.
 - (h) "Owner" includes any one or combination of the following as defined in the *Municipal Government Act*:
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or building,
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building, in the absence of proof to the contrary, the person assessed for the property.
 - (i) "Provincial Building Code" means the National Building Code as adopted pursuant to the Nova Scotia Building Code Regulations including amendments as may be made from time to time.

GENERAL DUTIES AND OBLIGATIONS

1. The owner of a building shall maintain the building to the standards as provided in this By-law.
2. The owner of a building built subsequent to the coming into force of this By-law shall maintain the building to the standards of this Bylaw.
3. The standards of this By-law are minimum standards and this By-law shall not be construed so as to lessen the requirements prescribed for buildings, constructions, repairs and alterations.

GENERAL MAINTENANCE STANDARDS

Fire Prevention

6. (1) Fire alarm and detection systems shall be maintained in an operational condition at all times.
- (2) As required, the owner of every building shall install fire alarm system in conformance with the requirements of the Provincial Building Code.
- (3) In buildings which the Provincial Building Code does not require the installation of a fire alarm system, a wired in smoke alarm system shall be installed by the owner in compliance with applicable code(s).
- (4) All required fire separations shall be maintained so as to adequately prevent the spread of fire from one dwelling unit to the next.
- (5) All yards shall be kept clean and free of all debris, tall grass and weeds for a distance of at least 2 metres from any residential building.

Structural Soundness

7. (1) Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected.
- (2) The Inspector may direct that tests of materials, equipment, devices, construction methods, structural assemblies or foundation conditions be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or foundation meets the prescribed requirements.

Drainage and Prevention of Dampness

8. (1) Every floor, ceiling, both sides of every interior wall and the interior side of every exterior wall in a building shall be maintained free from dampness.

Roofs, Eave Troughs and Gutters

9. (1) Roofs shall be kept weather tight and free from leaks.
- (2) Every eaves trough, roof gutter and down pipe shall be kept:
 - (a) in good repair,
 - (b) in good working order,
 - (c) watertight and free from leaks,
 - (d) free from health and accident hazards.
- (3) Every roof shall be kept free from:
 - (a) loose or unsecured objects and materials,
 - (b) dangerous accumulations of snow and ice,
 - (c) all other fire and accident hazards.

Foundations & Exterior Walls

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

Windows and Doors

11. (1) Windows, exterior doors, skylights, and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft free.

- (2) All windows that are required to be operable shall have suitable hardware so as to allow locking or otherwise securing from inside.
- (3) At least one window in each sleeping room shall meet egress standards as required by the Provincial Building Code.
- (4) All doors providing access to the dwelling unit shall have suitable hardware so as to allow locking or otherwise securing from inside.
- (5) Doors between an attached garage and the remainder of the building shall be fitted with weather stripping and a self closing device to prevent the passage of gases into the remainder of the building.

Egress

- 12. (1) Every dwelling or dwelling unit shall have a safe, continuous and unobstructed passage from the interior of the dwelling to exterior grade level. Buildings using a fire escape as a secondary means of egress shall have the escape in good condition, free from obstructions and easily reached through a window or door operable from inside without requiring keys or specialized knowledge.
- (2) Any required egress shall not pass through a room in another dwelling unit or a service room.

Stairs Decks and Balconies

- 13. (1) Interior and exterior stairs, porches, balconies and landings shall be maintained in good repair so as to be free of holes, cracks, and other defects which may constitute accident hazards.
- (2) Every open side of a stairway or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the Provincial Building Code.

Interior Walls, Ceilings, and Floors

- 14. (1) Every wall and floor in a building shall be reasonably level and maintained so as to be free of all loose, warped, protruding, broken, or decayed boards or coverings.
- (2) Walls surrounding showers or bathtubs shall be impervious to water.
- (3) Every floor in a bathroom, toilet room, kitchen, shower room, laundry room and kitchen shall be maintained so as to be impervious to water.

Fireplaces, Fuel-burning Appliances, and Chimneys

- 15. (1) Every chimney, smoke-pipe, flue and vent shall be installed and maintained in good repair so as to prevent smoke, fumes or gases from entering the building and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (2) Every fireplace used, capable of being used, or intended to be used, shall be maintained in good repair and so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- (3) All connections between liquid or gaseous fuel burning equipment in a dwelling and the source of liquid or gaseous fuel, shall be maintained in good repair, and shall meet the requirements of all applicable standards.
- (4) If in the opinion of the Inspector, there is doubt as to the safety of the heating system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, construction and installation methods be made or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction and installation meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Heating

- 16. (1) Every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 22 degrees Celsius throughout all occupied areas.
- (2) Every dwelling unit shall have a thermostat, or other suitable means, for the purpose of controlling heat to the minimum required temperature.

Plumbing Facilities and Fixtures

- 17. (1) All bathroom, kitchen and laundry plumbing fixtures shall be provided with an adequate supply of hot and cold running water. Hot water shall be capable of being supplied at a temperature of not less than 43 degrees Celsius and not greater than 60 degrees Celsius. A mixing valve shall be provided as required.
- (2) All plumbing, including drains, water supply pipes, toilets and other plumbing fixtures shall be maintained in good working condition free of leaks and defects and all water pipes and connections thereto shall be protected from freezing.

- (3) All plumbing fixtures shall be connected to the sewage system through water seal traps and be appropriately vented.
- (4) Every fixture shall be of such materials, construction and design that will ensure the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, or other imperfections that may harbor germs or impede thorough cleansing.
- (5) All appliances intended to supply the hot water to plumbing fixtures shall be equipped with a temperature and pressure relief valve.

Bathrooms

18. (1) Every bathroom or toilet room shall be fully enclosed and provided with a door equipped with a privacy latch. Where practical, a wash basin shall be located in the same room as the toilet.
- (2) Where a bathroom is shared by occupants of residential accommodation, an appropriate entrance shall be provided from a common passage way, hallway, corridor or other common space to the bathroom.
- (3) Every bathroom shall be equipped with either an operable window or a mechanical exhaust fan which shall be maintained in good working order.

Kitchens

19. (1) Every kitchen shall be equipped with a sink that is served with hot and cold running water, suitable storage facilities and a counter top work area. Space shall be provided for a stove and refrigerator including appropriate electrical hook ups.

Sleeping Rooms

20. (1) A room to be used for sleeping purposes shall:
 - (a) Have a minimum floor area of 8 square meters or be shown to be capable of accommodating a bed and bureau.
 - (b) Have a minimum ceiling height of 2 meters over at least 60% of the floor area;
 - (c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical System

21. (1) The electrical wiring, fixtures, switches, receptacles, and appliances located or used in buildings and dwelling units shall be installed and maintained in good working order so as to be deemed not to constitute a fire, or electrical shock hazard.
- (2) Every bathroom, toilet room, kitchen, laundry room, furnace room, basement, cellar and non-habitable work or storage room shall be provided with a permanent light fixture and a conveniently located switch to control that fixture.
- (3) Lighting fixtures and appliances installed throughout buildings and dwellings, including stairways, corridors, passage ways, garages and basements, shall provide sufficient illumination so as to avoid health or accident hazards during normal use.
- (4) If in the opinion of the Inspector, there is doubt as to the safety of the electrical system or parts thereof, the Inspector may direct that tests of materials, equipment, devices, construction and installation methods, be made, or sufficient evidence or proof be submitted at the expense of the owner, where such evidence or proof is necessary to determine whether the material, equipment, device or construction and installation meets the prescribed requirements. On the basis of the findings, the Inspector may issue an order for remedy.

Natural Light and Ventilation

22. (1) Every habitable room except a kitchen, bathroom or toilet room shall have a window or windows, skylight or translucent panel opening directly to an outside space.
- (2) Where adequate ventilation is not provided by means of a mechanical system, every occupied room shall have an operable window, skylight, or door capable of providing ventilation.
- (3) All systems of mechanical ventilation shall be maintained in good working order.

Inspections

23. (1) Where an inspection is required or conducted pursuant to this By-law:
 - (a) The Inspector may enter in or upon land or premises at a reasonable time without a warrant;
 - (b) except in an emergency, the Inspector shall not enter a room or place actually being used as a dwelling without the consent of the owner or occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the owner or occupier at least twenty-four hours in advance; and

- (c) where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the Inspector in the exercise of a power granted pursuant to this By-law, the Inspector may apply to a judge of the Supreme Court of Nova Scotia for an order,
 - (i) to allow the inspector entry to the building, and
 - (ii) restraining a person from further interference.
 - (iii) to recover all costs associated with any such order.

Orders by the Inspector

24. (1) If after an inspection, the Inspector is satisfied that in some respect, the building does not conform to the standards prescribed in this By-law the Inspector shall serve or cause to be served by personal delivery or registered mail to the owner(s) of the property, an Order to Comply and may at the same time provide all occupants of the building with a copy of such Order by means of posting the said order on the property.
- a. Every Order to Comply shall contain
 - i.) the standards with which the building does not comply;
 - ii.) actions to be taken in order to bring the building into compliance with the standards;
 - iii.) the date after which the building will be subject to a reinspection to ascertain compliance with the Order;
 - iv.) the action that will be taken against the owner, should the building not comply to the prescribed standards at the time of the reinspection; and
 - v.) Where an Order has been served upon an owner, and the owner provides the Inspector with a schedule outlining specific time frames within which the work specified in the Order will be completed, the Inspector may accept or amend the schedule at which time the schedule will become a part of the Order.
 - b. Where, in the opinion of the Inspector, the building is considered unsafe, the order may require that the building be vacated within an appropriate time period.
 - c. Where an owner fails to comply with the requirements of an Order within the time frame stipulated therein, the Inspector, his designate or contractors may enter upon the property without warrant or other legal process and carry out the work, specified in the Order.
 - d. Where the Town carries out the work specified in the Order, the Town may charge and collect the costs thereof either from the owner or as a first lien on the property affected.

Penalty

25. (1) Every person who violates or fails to comply with any of the provisions of this By-law shall be liable, upon summary conviction, to a penalty not less than Five Hundred Dollars (\$500.00) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default of payment to imprisonment for a period not exceeding sixty (60) days.
- (2) In any prosecution or proceeding in respect to any contravention of, or failure to comply with any provision of this By-law, which contravention or failure of compliance continues from day to day, the Court or Judge before whom the matter of such contravention or failure of compliance is heard, may, in addition to the penalty imposed for such contravention or failure, impose a further penalty not exceeding one hundred dollars or in default of payment ten (10) days imprisonment, for each day during which such contravention or failure has been continued.
- (3) In addition to any other remedy open to law, the judge may:
- (a) make an Order restraining the continuance of repetition of any such contravention or failure;
 - (b) make an Order to vacate a portion or all of the building;
 - (c) make an Order directing the removal or destruction of any building or structure or part thereof so contravening or failing to comply, or in respect of which any such contravention or failure has taken place, and that upon failure to comply with such Order, the Inspector may remove, repair or destroy such building or part thereof at the expense of the owner;
 - (d) make such other Order as is required to enforce the provisions of this By-law, and the recovery of the expense of any such removal or destruction by the Inspector, as to the Court or Judge seems fit.

Complaints

26. (1) All complaints made pursuant to this bylaw must be submitted to the town and be accompanied by the name and telephone number of the complainant.
- (2) Any tenant that wishes to register a complaint with the Town with regard to lack of maintenance of their dwelling unit/apartment building shall first advise the landlord in writing of the concerns in order to allow the landlord the opportunity to address the maintenance issue first. If these concerns are not addressed adequately, a complaint can be registered with the Town. Such a complaint shall be accompanied by a copy of the letter to the landlord indicating the method and date of service to the landlord.

6. **Sewer Lateral Maintenance Policy, Number 240-06**

Moved by Councillor Chitty, seconded by Deputy Mayor March that Council adopt the new *Building Service Connection Policy, Number 240-06* and rescind the existing one, Number 240-01 dated April 9, 1986.

MOTION CARRIED

DEPARTMENT: Operational Services
TITLE: Building Service Connections

Definition

“Building Service Connection” means a piping system that conveys sewage, liquid waste, and or/storm water from a property to a municipal sewer.

POLICY

1. Property owners are responsible for the construction and maintenance of the sewer service connection between the property line and their buildings.
2. Property owners are responsible for removal of blockages from the service connection between their building and the sewer main.
3. The Town is responsible for installation and structural repairs to that portion of the service connection on public property.
4. Town crews will not work on the installation or replacement of service connections on private property.

If a service connection is obstructed, the following procedure shall be followed in removing the obstruction:

- (a) The Town will acknowledge all sewer calls by an on-site investigation at which time the sewer main at the street will be checked for blockage. If the sewer main is clear of obstruction then the blockage must be in the building service.
- (b) The owner of the building will call a private plumber to clear the obstruction in the service connection.
- (c) If the obstruction is located in the portion of the service connection on private property, the owner of the building is responsible for all costs of removal of the obstruction, including the expenses of any contractor to excavate and replace the pipe if necessary.
- (d) If the obstruction is located in the portion of the service connection on municipal property and if it is determined by the Municipality that the cause of the obstruction was
 - i. non-structural, the Municipality shall advise the owner of its determination and the owner shall be responsible for the cost of clearing the obstruction.
 - ii. if the obstruction is caused by a broken, sheared, sagged or collapsed pipe or some other structural problem, the Municipality will rectify the deficiency at its expense and reimburse the owner for up to three hours of plumbers time from (b) above, upon proof of expenditure.

7. **2005 MFFA Curling Championships**

Moved by Councillor Fawthrop, seconded by Councillor Baker that the Town contribute \$500 toward the 2005 Maritime Fire Fighters Association Curling Championship being hosted by the Amherst Fire Department, February 25 – 27, 2005.

MOTION CARRIED

8. **Rescind Policy 271-08: Policy to Establish Amherst Parks, Recreation and Leisure Services Advisory Committee**

Moved by Councillor Fawthrop, seconded by Councillor Rhindress that Council rescind the Policy to Establish Parks Recreation and Leisure Services Advisory Committee, Number 271-08, as its mandate has been completed with the institutionalization of policies related to recreation, parks and opens space planning into the Municipal Planning Strategy.

MOTION CARRIED

Councillor Fawthrop commended the diligent effort put forth by the Committee.

9. **Policy 211-32: Membership on National Boards and Committees**

Moved by Councillor Chitty, seconded by Councillor Fawthrop that Council adopt the new Policy Number 211-32 – Membership on National Boards and Committees and that

any councilor or staff serving on a national board or committee be allowed to complete their current term.

MOTION CARRIED

**TITLE: MEMBERSHIP ON NATIONAL BOARDS AND COMMITTEES
POLICY NUMBER: 211-32**

PURPOSE:

To set out policy and guidelines for members of Council and staff who may wish to become members on national boards or committees. While Council recognizes the benefits to be obtained by the Town from national exposure, certain policy limits need to be set.

POLICY STATEMENT:

1. (a) All members of Council who wish to become members on any national committees must have permission of Council prior to accepting such appointment or office.
- (b) Fifty percent (50%) of the cost of travel (including meals and accommodations) must be covered by the relevant provincial or national organization or the individual.
2. (a) All members of administration must obtain the permission of the Town Manager prior to accepting any appointment or position.
- (b) fifty percent (50%) of the costs must be covered by the provincial or national association.
- (c) Time off for meetings or duties at this level must not exceed ten working days per year and normal duties must not be affected.

10. Policy 211-24: Attendance Administration

Moved by Deputy Mayor March, seconded by Councillor Baker that Council rescind the existing Policy Number 211-24 Attendance Administration, dated January 16, 1998, and replace it with the new policy of the same number and title.

MOTION CARRIED

TITLE: ATTENDANCE ADMINISTRATION

PURPOSE:

The following attendance policy is for all permanent Town of Amherst Employees.

Where the provisions of this policy and a collective agreement are in conflict, the collective agreement shall prevail.

POLICY STATEMENT:

The Town of Amherst (the "Town") is committed to developing workplace excellence and providing complete satisfaction to the residents of Amherst.

It is important that all Employees of the Town work together as a team as we strive to achieve these goals. It is important for all Employees to report to work regularly and punctually, return from breaks on time and make every effort to maintain good health so that excellent service to the residents of Amherst is not compromised by employee absenteeism.

The Town recognizes that Employees may be absent from time to time due to disabling illness, injury or other factors beyond their control. The Town is committed to informing Employees about the proper use of their sick leave and to promoting a healthy work environment in which service delivery will not be jeopardized by frequent or unnecessary absences.

OBJECTIVES

- To provide top quality service to residents of the Town by encouraging all Employees to attend regularly for work.
- To assist Department Heads and Supervisors by providing clear procedures for addressing absenteeism within their area of responsibility.
- To approach Employee attendance issues in a positive and constructive manner.
- To improve Employee attendance through monitoring, awareness, identification of causes of absenteeism and provision of support to Employees striving to improve their attendance records.

This policy is intended to address innocent absenteeism, that is, absences due to illness or other factors beyond the Employees' control. Issues involving unauthorized absences, non-compliance with this policy or abuse of sick leave benefits are disciplinary matters and will be dealt with as such.

The Town recognizes the important contribution that each Employee makes to its overall efficient operation. Excessive or chronic absenteeism not only interferes with the efficient operation of the Town but undermines the Employee's responsibility to attend work on a regular basis and could ultimately jeopardize the Employee's continued employment.

The Town, through the Department Heads and Supervisors will:

- (I) constantly monitor sick time;
- (II) be as consistent as possible;
- (III) control and manage absenteeism through Employee interviews, support, and referrals where appropriate to remedy excessive absenteeism;
- (IV) verify absences from work as required and make reasonable requests for medical certificates or other supporting documentation as individual circumstances may require.

EMPLOYEES' RESPONSIBILITIES

1. Attend work regularly and promptly.
2. Report to their Supervisor or his/her designate (before the start of the regular work shift) any absence, general reasons for absence and expected date of return to work.
3. Obtain necessary care to facilitate a prompt return to work.
4. Where applicable, follow recommended assistance programs to facilitate a prompt return to work.
5. Provide medical certificates or other verification of illness as may be requested by the Supervisor or designate.
6. Notify their Supervisor 24 hours in advance of any scheduled medical appointments. Employees are to schedule personal appointments outside working hours where possible but where not possible are encouraged to schedule appointments either early or late in the day and to avoid mid-day appointments.

SUPERVISORS' RESPONSIBILITIES

1. Note attendance during performance appraisals.
2. Commend Employees for good attendance.
3. Maintain an accurate system of documentation and review attendance on an on-going basis. The Supervisor may request supporting documentation for an Employee claim as circumstances warrant. If a doctor's certificate or other supporting documentation is received, it should be forwarded to the Town Manager to be included in the Employee's personnel file.
4. Conduct interviews with Employees to highlight any concerns respecting attendance and discuss any steps that may be taken to improve the individual Employee's attendance record.

DEPARTMENT HEADS' RESPONSIBILITIES

1. Monitor departmental sick leave. Review Supervisor's implementation of this policy.
2. Subject to the *Human Rights Act*, refer to attendance records in the hiring or promotion process.
3. Inform new Employees of attendance expectations and this policy during orientation.
4. Provide feedback on good attendance and inform Supervisors of the number of sick days used by each of their Employees (monthly report submitted to Supervisors).
5. Analyze sick leave records for indications of patterns of possible misuse of sick leave.
6. Trigger the monitoring system when an attendance problem is recognized by frequency or pattern of use and continue until attendance improves or the problem is resolved.

Determining When Monitoring Will Commence – The Frequent User

The Department Head will determine the number of times an Employee is absent due to illness in a given period. The number of times an Employee is absent in a given period shall be referred to as the frequency. A frequency of

five or more times in a 12 month period or four total sick days with a frequency of three or more times in six months will result in the Employee being designated a “frequent user”.

Calculating Frequency:

- Sick leave for consecutive working days has a frequency of one.
- Sick leave for an individual work day or shift has a frequency of one.

Employees identified as frequent users may be required to submit a completed sick leave request form (Appendix 1) for each sick leave claim. The forms are to be forwarded to the Supervisor. If the forms are not submitted, the Department Head will notify payroll and sick leave benefits will not be paid for that period.

When requesting sick leave verification, the Department Head or Supervisor will consider all relevant circumstances including whether or not the absences may relate to a disability in respect of which the Employee requires accommodation.

STEPS IN DEALING WITH FREQUENT USERS

Step 1:

A private interview will be conducted (by the Supervisor) with any Employee designated as a “frequent user”. The interview (private and confidential) will be scheduled with the Employee in advance, held as soon as possible once the Employee is designated a frequent user and documented.

The Employee will be provided with details of their attendance record and given an opportunity to discuss the causes of the absences including whether or not the Employee suffers from a disability which may require accommodation in the workplace.

The Supervisor will stress the importance of regular attendance by the Employee and how his or her absence affects coworkers and overall service delivery. The Supervisor will inquire whether there are any supports or referrals that would assist the Employee in improving his or her attendance.

The Supervisor and the Employee will set an attendance goal and schedule a follow up meeting in three months.

The Supervisor will follow up with a letter summarizing the interview and noting the attendance goal and follow up meeting date.

Step 2:

After the follow up period, a second meeting will be held as previously scheduled. The Employee’s attendance record since the last meeting will be reviewed and any improvements noted. Where the Supervisor determines, in consultation with the Department Head, that the problem is resolving or resolved, the Employee may be removed from the monitoring program or, alternatively, may be monitored for an additional period of time with follow up interviews, as deemed appropriate by the Supervisor and Department Head.

Where the Employee’s attendance fails to show improvement, the attendance record will again be reviewed and the concerns identified. The Employee may use the attendance record as an aid in discussing the reasons for the continued absences.

The Supervisor will explain again how the continued absences are affecting the work unit and service to the public. The Supervisor will again inquire about causes of the absences and offer assistance or referrals as appropriate.

The Supervisor and Employee will establish an attendance goal and schedule a further follow up meeting within three months. The Employee will be advised that they will continue to be closely monitored. The Employee will be advised that in the event the absences continue the Department Head will attend the next meeting.

The Supervisor will follow up with a letter to the Employee summarizing the meeting, and noting the attendance goal and the next meeting date.

Step 3:

After the follow up period, a third meeting will be held as previously scheduled. The Employee’s attendance record since the last meeting will be reviewed and any improvements noted. The Supervisor in consultation with the Department Head will determine whether or not further monitoring or other steps are required.

Where the Employee’s attendance fails to show improvement, both the Supervisor and the Department Head will attend the meeting with the Employee who will be given the opportunity to discuss the reasons for the continued absence and advise what steps, if any, might be taken to have the Employee attend more regularly at work. Previous meetings and discussions will be reviewed.

The Employee will be advised that continued inability to attend regularly at the workplace could result in referral of the file to the Town Manager for review and assessment of whether or not employment will be continued.

Goals for improved attendance and steps that the Employee will take to try to improve his or her attendance record will be reviewed. The Employee may be requested to obtain medical information concerning the likelihood of improving attendance in the future.

Following the meeting, the Supervisor will summarize the meeting in a letter to the Employee outlining any agreements that have been made and documentation that is required as well as confirming the date for the next meeting.

Step 4:

After the follow up period, a fourth meeting will be held as previously scheduled and the procedure for the meeting will be as in the earlier steps and will include a summary of all past meetings and a review of the medical prognosis, if one has been obtained. If the Employee's absences relates to a disability, further medical information may be required to assist in the assessment of accommodation options.

If no disability has been identified and a prognosis is obtained that the Employee is not likely to be able to attend employment regularly in the future, the Employee will be advised that his or her employment is in jeopardy and that the matter will be reviewed by the Town Manager to determine whether termination will result.

Absences from work will continue to be monitored and the frequent user steps repeated as required. Supervisors and Department Heads will exercise discretion in requesting medical information as circumstances warrant.

Letters prepared in accordance with this policy will be retained in the Employees' personnel file. Medical information will be safeguarded and reviewed only by those who have a need to review it to administer employee benefits or this policy.

11. Amherst Recreation and Facilities Master Plan

Moved by Councillor Fawthrop, seconded by Councillor Chitty that Council accept the Recreation and Facilities Master Plan as presented.

MOTION CARRIED

12. CJSMA Lease Approval – Excavator for Landfill Operations

Moved by Councillor Rhindress, seconded by Councillor Chitty that:

WHEREAS the Cumberland Joint Services Management Authority has budgeted for and acquired a 2004 Caterpillar 322 Hydraulic Excavator through a long term lease;

AND WHEREAS the total lease commitment is \$226,500;

AND WHEREAS the Town of Amherst's share of this commitment is \$100,204;

THEREFORE BE IT RESOLVED that the Town of Amherst formally recognize and guarantee its share of the commitment, and that the Mayor and Clerk be authorized to sign any documents required to effect this recognition and guarantee, subject to the commitment being approved by the Minister of Service Nova Scotia and Municipal Relations.

MOTION CARRIED

13. Non-Owned Automobile Insurance Coverage

The following Resolution was moved by Deputy Mayor March, and seconded by Councillor Rhindress:

Be it hereby resolved that the Town of Amherst accept the agreement of the Subscription Policy to insure the liability assumed by this Resolution as follows:

THE TOWN OF AMHERST HEREBY

1. ASSUMES THE LIABILITY FOR BODILY INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF PROPERTY OF OTHERS, IMPOSED BY LAW UPON:

- (a) Partners, Councillors, Board Members, Officers, Employees or Volunteer Workers of the TOWN OF AMHERST for liability which arises out of the use or operation by such person of a licensed motor vehicle; or

- (b) the owner of any licensed motor vehicle, for liability which arises out of the use or operation of such licensed motor vehicle Partners, Councillors, Board Members, Officers, Employees or Volunteer Workers of the TOWN OF AMHERST;
2. DECLARES THAT SUCH ASSUMPTION OF LIABILITY BE SUBJECT TO THE FOLLOWING LIMITATIONS, EXCLUSIONS AND CONDITIONS:
- (a) This assumption of liability applies only to the use or operation of a licensed motor vehicle in Canada or the United States of America by Partners, Councillors, Board Members, Officers, Employees or Volunteer Workers on behalf of the TOWN OF AMHERST including travel to and from work and attendance at meetings.
- (b) This assumption of liability applies only in excess of existing insurance carried by the owner of the licensed motor vehicle which was being used or operated by Partners, Councillors, Board Members, Officers, employees or Volunteer Workers at the time of the accident and does not apply unless the licensed motor vehicle which was being used or operated by such person at the time of the accident is insured for not less than the minimum Third Party Liability Limit required by The Insurance Act for the Province of Nova Scotia.
- (c) This assumption of liability is subject to the agreements, conditions, terms and limit of liability insured in the Non-Owned Automobile Policy issued by the SUBSCRIPTION POLICY and shall terminate whenever such Non-Owned Automobile Policy is terminated.

MOTION CARRIED

14. February and March 2005 Council Meetings

Moved by Councillor Rhindress, seconded by Councillor Baker that the February meeting be moved to Monday, February 21 due to several schedule conflicts, and that the March meeting be moved to Tuesday, March 29 due to Easter Monday.

MOTION CARRIED

15. National Guide to Sustainable Municipal Infrastructure

Moved by Councillor Chitty, seconded by Councillor Fawthrop that

WHEREAS we spend \$4 million annually on the maintenance, rehabilitation and reconstruction of our water, storm, wastewater and road system infrastructure; and

WHEREAS the National Guide to Sustainable Municipal Infrastructure (*InfraGuide*) documents best practices that reflect proven approaches to build sustainable infrastructure for Canadians in those areas; and

WHEREAS Amherst strives to be a leader in ensuring the quality of life of its citizens through appropriate short- and long-term sustainable infrastructure investment decisions;

THEREFORE BE IT RESOLVED THAT the Town of Amherst is committed to the use of the appropriate best practices as a guideline.

MOTION CARRIED

16. Wastewater Treatment Technologies

Moved by Councillor Chitty, seconded by Deputy Mayor March that Council accept the Dillon Report on Wastewater Treatment Technologies, dated November 2004, specifically the recommendation that we use the *aerated lagoon/treatment wetland* technology.

MOTION CARRIED

4. ADDITIONAL ITEMS

1. Free Water at Amherst Fire Department

Moved by Councillor Rhindress, seconded by Councillor Chitty that, as of February 1 2005, for safety reasons, the free water being given out at the Fire Department will not be available during the winter months, from November to April inclusive.

MOTION CARRIED

5. INFORMATION ITEMS

- 1. Planning and Development Department** Report given by Councillor Baker
- 2. Corporate Services Department** Report given by Deputy Mayor March
- 3. Operational Services Department** Report given by Councillor Chitty
- 4. Police Department** Report given by Councillor Angel
- 5. Fire Department** Report given by Councillor Rhindress
- 6. Community & Economic Development Department** Report given by Councillor Fawthrop

6. ADJOURNMENT

On motion by Councillor Rhindress, the meeting adjourned at 8:00 p.m.

APPROVED:

E. Childs, Town Manager

Jerry Hallee, Mayor

AGENDA

- 1. O' CANADA**
- 2. CALL TO ORDER**
- 3. BUSINESS ITEMS**
 1. Additions to Agenda
 2. Approval of Agenda
 3. Approval of Minutes (November 29, 2004 Regular Meeting)
 4. Second Reading: Civic Address By-Law (P-3)
 5. Second Reading: Minimum Standards for Residential Occupancies By-Law (P-4)
 6. Recommendation: Sewer Lateral Maintenance Policy
 7. Recommendation: 2005 MFFA Curling Championships
 8. Recommendation: Rescind Policy - Amherst Parks, Recreation and Leisure Services Advisory Committee
 9. Recommendation: Policy 211- 32 Membership on National Boards and Committees
 10. Recommendation: Policy 211- 24 Attendance Administration
 11. Recommendation: Amherst Recreation and Facilities Master Plan
 12. Recommendation: CJSMA Lease Approval for Excavator
 13. Recommendation: Non-owned Automobile Insurance Coverage
 14. Recommendation: February and March 2005 Council Meetings
 15. Recommendation: National Guide to Sustainable Municipal Infrastructure
 16. Recommendation: Wastewater Treatment Technologies
- 4. ADDITIONAL ITEMS**
 1. Free Water at Amherst Fire Department
- 5. INFORMATION ITEMS**
 1. Planning and Development Department Report
 2. Corporate Services Department Report
 3. Operational Services Department Report
 4. Police Department Report
 5. Fire Department Report
 6. Community and Economic Development Department Report
- 6. ADJOURNMENT**