

**Minutes of a Regular Meeting of Amherst Town Council  
Held in Council Chambers  
Monday, June 27, 2005 at 7:00 P.M.**

**PRESENT:** Mayor Jerry Hallee  
Deputy Mayor David March  
Councillor Robert Angel  
Councillor George Baker  
Councillor Ed Chitty  
Councillor Dale Fawthrop  
Councillor Terry Rhindress  
Ed Childs, Town Manager  
Rebecca Purdy, Executive Assistant

**1. O'CANADA**

**2. DELEGATIONS/PETITIONS/PRESENTATIONS**

**1. Philip Comeau – Plaque for Bravery**

On May 21, 2005 at approximately 9:45 a.m., Mr. Philip Comeau, having complete disregard for his own safety, entered a burning and smoke-filled building to rescue Mr. Edward Maltby from almost certain death. Mr. Maltby had collapsed on the floor and was overcome by the smoke and heat. The smoke was so thick in the apartment that Mr. Comeau had to crawl on his hands and knees to reach Mr. Maltby and drag him to safety. Thanks to Mr. Philip Comeau's bravery and quick response, Mr. Maltby only sustained minor burns and smoke inhalation. Council presented Mr. Comeau with a plaque in honour of his bravery that day.

**3. CALL TO ORDER**

**4. BUSINESS ITEMS**

**1. Additions to the Agenda**

**2. Approval of the Agenda**

**Moved by Councillor Baker, seconded by Councillor Chitty that the Agenda be adopted as circulated.**

**MOTION CARRIED**

**3. Approval of Minutes**

**Moved by Councillor Baker, seconded by Councillor Fawthrop that the Minutes of the May 24, 2005 Regular Meeting be approved as circulated.**

**MOTION CARRIED**

**4. First Reading, Municipal Planning Strategy, By-Law P-1**

**Moved by Councillor Baker, seconded by Councillor Rhindress that Council approve First Reading of the new Town of Amherst Municipal Planning Strategy, By-Law P-1, respecting policies on land use and development within the Town, as recommended by the Planning Advisory Committee.**

Council feels that new ground floor residential uses in the commercial zone will detract from the commercial environment and impede quality new commercial developments in the area.

**Moved by Councillor Chitty, seconded by Councillor Fawthrop that the Municipal Planning Strategy, By-Law P-1 be amended as follows:**

***Remove policy CP-14, permitting new Ground Floor Residential uses by development agreement in the Highway Commercial zone, and re-number subsequent policies as required.***

**MOTION CARRIED**

Council feels that in order to facilitate the development of new, high quality, low density residential subdivisions, protection is required to ensure that new medium and high density developments are not constructed in proximity to the new low density neighbourhoods.

**Moved by Councillor Chitty, seconded by Councillor Angel that the Municipal Planning Strategy, By-Law P-1 be amended as follows:**

*Add Policy R-4, a policy creating a low density residential zone in the Land Use By-Law, and re-numbering subsequent policies as required.*

**MOTION CARRIED**

**ORIGINAL MOTION CARRIED WITH AMENDMENTS**

**5. First Reading, Land Use By-Law, P-2**

**Moved by Councillor Baker, seconded by Deputy Mayor March that Council approve First Reading of the new Town of Amherst Land Use By-Law, Number P-2, a by-law respecting regulations on land use and development within the Town as recommended by the Planning Advisory Committee.**

**Moved by Councillor Chitty, seconded by Councillor Rhindress that the Land Use By-Law, P-2, be amended as follows:**

*Remove LUB Regulation 8.1.2, which permits new ground floor residential uses within the Highway Commercial zone by development agreement and re-number subsequent regulations.*

**MOTION CARRIED**

**Moved by Councillor Chitty, seconded by Councillor Baker that the Land Use By-Law, P-2, be amended as follows:**

*Add "Low Density Residential Zone" to the list of zones in Section 2 of the LUB;*

*Amend LUB Schedule A, the Zoning Map, to reflect the location of the Low Density Residential zone;*

*Add LUB Section 7.3 and re-number subsequent sections.*

**MOTION CARRIED**

**ORIGINAL MOTION CARRIED WITH AMENDMENTS**

**6. Administrative Revisions to Employees' Pension Plan**

**Moved by Deputy Mayor March, seconded Councillor Chitty that Council adopt changes to the Town of Amherst Employee Pension Plan to revise and update the actuarial standard used in calculating death and retirement benefits, to reflect the new Standard of Practice for Determining Pension Commuted Values, as suggested by our pension consultants, Morneau Sobeco.**

**MOTION CARRIED**

**7. Encroachment License for A&W**

**Moved by Deputy Mayor March, seconded by Councillor Baker that Council issue a license to A&W under Section 9-1 of the Town of Amherst Encroachment By-Law, to allow the construction of ten additional parking spaces in return for \$4,000 for the cost of a new crosswalk on South Albion Street, new crosswalk lights and controls, and a new loop on the west side to enhance vehicle traffic movement.**

**MOTION CARRIED**

**8. New Policy: Street Inspection and Maintenance, Number 230-13**

**Moved by Councillor Chitty, seconded by Councillor Fawthrop that Council adopt the new Street Inspection and Maintenance Policy, Number 230-13.**

**MOTION CARRIED**

**TOWN OF AMHERST POLICY****TITLE: STREET INSPECTION AND MAINTENANCE POLICY****PURPOSE**

The purpose of this policy is:

- To provide direction to staff involved in the inspection and maintenance of the Town of Amherst's public streets.
- To provide a system for street inspection to effectively assess and document maintenance priorities; and
- To maximize public safety while maintaining fiscal responsibility.

**POLICY**

Complete town-wide street inspections will be performed and completed as outlined below. An inventory of all streets will be maintained by the Town's Operational Services Department which will include a history of inspections and maintenance information.

**1. Road Surface Inspection**

The condition of the road surface, including the curb, shoulder and median will be inspected on a routine basis using the following schedule:

- Arterial streets shall be inspected once a month from May 1 to December 1;
- Collector streets shall be inspected once every two months from May 1 to December 1;
- Local streets shall be inspected twice annually.
- Between December 1 and May 1 all streets will be inspected at the discretion of the Operations Manager or Transportation Foreman depending on public concerns, availability of work crews, and other public works priorities.

**2. Street & Traffic Signs Inspection**

The condition of street signs and traffic signs will be inspected twice annually, in the spring and again in the fall.

An inspection for tree branches and other obstructions interfering with the visibility of signs will be carried out and completed at the earliest date possible after the new spring foliage has appeared.

**3. Pavement Marking Inspection**

Pavement markings will be inspected by October 1<sup>st</sup> each year to allow secondary pavement markings to be completed as necessary.

**STREET MAINTENANCE**

Upon completion of the inspections, the Operations Manager or Transportation Foreman will update the maintenance and repair schedule. The amount of work to be completed will be governed by the availability of funds in the current operating budget and the availability of work crews.

**9. New Policy: Sidewalk Inspection and Maintenance, Number 230-14**

**Moved by Councillor Chitty, seconded by Councillor Rhindress that Council adopt the new Sidewalk Inspection and Maintenance Policy, Number 230-14.**

**MOTION CARRIED**

TOWN OF AMHERST POLICY

NUMBER 230-14

**TITLE: SIDEWALK INSPECTION AND MAINTENANCE POLICY**

**PURPOSE**

The purpose of this policy is:

- To provide direction to staff involved in the maintenance of the Town of Amherst's public sidewalks;
- To provide a system for sidewalk inspection to effectively assess and document maintenance priorities; and
- To maximize public safety while maintaining fiscal responsibility.

**POLICY****1. Sidewalk Inspection**

A complete town wide sidewalk survey will be performed annually. An inventory of all sidewalks will be maintained by the Town's Operational Services Department which will include a history of inspections and maintenance information.

**2. Replacement and Repair**

Upon completion of the initial sidewalk survey, the Operations Manager or Transportation Foreman will establish a replacement and repair schedule. The sidewalk replacement and repair schedule will prioritize the sidewalks identified as needing to be replaced or repaired in the initial sidewalk survey. The amount of replacement and

repair work to be completed will be governed by the availability of funds in the current operating budget and the availability of work crews.

Any sidewalk maintenance or replacement will be prioritized based on the estimated amount of pedestrian traffic and public safety.

#### **10. Robb Ballfield #2**

**Moved by Councillor Fawthrop, seconded by Deputy Mayor March that the net at Robb Ballfield #2 be raised by 15 feet at an estimated cost of \$12,000 with funding to come from the Operating budget, and further, that the Ball Field User Policy Number 270-01 be amended to deal with all potential users of this field, that balls hit over the net are an automatic out, and that hitting fly balls into the outfield during warm up is not permitted.**

**MOTION CARRIED**

**TOWN OF AMHERST POLICY  
TITLE: BALL FIELD USER POLICY**

**NUMBER 270-1**

#### **PURPOSE:**

*All ball field facilities in Amherst have been developed and maintained for the use of Amherst residents and to encourage the development of sports and recreation in our community. The Town acknowledges that the teams and leagues using these facilities make a positive contribution to our community and should be encouraged to develop and grow their organizations in the future. Council has set the following rate structure for Ball field Users.*

#### **POLICY STATEMENT:**

##### **League/Team Season Fees**

*There will be no annual regular season user fee charged to teams for use of Town owned fields.*

*A fee of \$18.00 (including HST) per diamond per game shall be assessed to leagues for the use of lights.*

*A tournament fee of \$100.00 (including HST) per day shall be assessed for tournaments booking Town facilities. An additional fee of \$30.00 (including HST) for lights will be charged to tournaments requiring lights.*

##### **Charitable Rates**

*Individuals, organizations or businesses requesting an exemption in fees by virtue of being a charitable organization or fundraising for a recognized charity will receive an exemption from all fees upon receipt of reasonable proof of the charitable status of their organization or the charitable organization they represent.*

*A **User Agreement** must be completed with adequate arrangements for payment of fees with the Town's Recreation Facilities Manager prior to the start of the season, tournament or event. A charitable organization will satisfy the Facilities Manager of their charitable status.*

##### **Robb Ball Field #2**

*Slow pitch games are permitted on Ball Field #2 under the following local rules **with the 65 foot high netting in place:***

1. *A ball hit over the nets will be an automatic out;*
2. *Hitting fly balls to the outfield during warm up is not permitted.*

#### **11. Lord Amherst Drive Land Lease Agreement (Super 8 Sign)**

**Moved by Councillor Rhindress, seconded by Councillor Baker that Council authorize the Town Clerk to enter into a lease agreement with Amherst 8 Motel Limited to lease a portion of Town property identified as PID 25395419 for the purposes of erecting directional signage to the Super 8 Motel on Lord Amherst Drive.**

**MOTION CARRIED**

#### **12. Write Off Uncollectible Business Occupancy Tax Accounts**

**Moved by Deputy Mayor March, seconded by Councillor Chitty that Council authorize Administration to write off uncollectible Business Occupancy tax accounts totaling \$37,513.33, realizing that they will not be collected, and focus collection efforts in areas where some taxes may actually be collected.**

**MOTION CARRIED**

**13. Capital Paving Tender**

Moved by Councillor Chitty, seconded by Deputy Mayor March that the tender for the 2005/2006 Capital Paving Program submitted by Costin Paving and Contracting in the amount of \$55,074.88 + HST be accepted with funding to come from the 2005/2006 Capital Budget.

MOTION CARRIED

**14. Ice Re-Surfacing Machine Tender**

Moved by Councillor Angel, seconded by Councillor Rhindress that Council authorize the purchase of a dual fuelled ice resurfacing machine, together with the fuel tanks and wash water system from the low bidder, Saunders Equipment, at a price of \$81,686.00 together with the purchase of the natural gas compressor for \$3,550 when natural gas is available, with funding to come from the 2005/2006 Capital Budget.

MOTION CARRIED

**15. 2006 Half-Ton Truck Tender**

Moved by Councillor Angel, seconded by Councillor Chitty that Council accept the tender submitted by Jim Hatheway Ford Sales Ltd. for a 2006 half ton four-wheel drive truck in the amount of \$26,933 + HST, with funding to come from the 2005/2006 Capital Budget.

MOTION CARRIED

**16. 2006 One-Ton Extended Cab Truck Tender**

Moved by Councillor Angle, seconded by Councillor Fawthrop that Council accept the tender submitted by Jim Hatheway Ford Sales Ltd for a 2006 one-ton, four-door truck in the amount of \$29,611 + HST, with funding to come from the 2005/2006 Water Department Capital Budget.

MOTION CARRIED

**17. Sewer Main Cleaning Tender**

Moved by Councillor Baker, seconded by Deputy Mayor March that council accept the low tender for Sewer Main Cleaning from Industrial Hydrovac in the amount of \$17,875 + HST with funding to come from the 2005/2006 Operating Budget.

MOTION CARRIED

**18. Geotechnical Investigation – Amherst Wastewater Treatment Facility**

Moved by Councillor Fawthrop, seconded by Deputy Mayor March that Council accept a revised proposal submitted by Gemtec Limited in the amount of \$23,000, to provide the necessary geotechnical services for the design of our wastewater treatment plant, with funding to come from the 2005/2006 capital budget, as recommended by Dillon Consulting and Administration.

MOTION CARRIED

*(Since the receipt of the submission, Jacques Whitford supplied only unit prices and did not provide a fixed cost as requested; Gemtec's original proposal was \$40,000 was reduced to \$23,000 when they were provided with copies of previous bore hole results done at this site)*

**19. Appointment of Gregory Herrett as Chief Administrative Officer**

Moved by Deputy Mayor March, seconded by Councillor Fawthrop that Mr. Gregory Herrett be appointed as Chief Administrative Officer, Town Manager/Town Clerk for the Town of Amherst effective August 1, 2005.

MOTION CARRIED

**20. Summer Council Meetings**

Moved by Councillor Rhindress, seconded by Councillor Baker that the July and August public meetings of Council be cancelled, and that special meetings be convened to address issues which may arise prior to the next regularly scheduled meeting on September 26, 2005.

MOTION CARRIED

**21. Leachate Agreement**

Moved by Councillor Rhindress, seconded by Councillor Fawthrop that Council approve and authorize the Mayor and Clerk to sign an agreement with CJSMA and the five municipal units of Cumberland wherein CJSMA will build, own and operate a liquid treatment works with the County of Cumberland paying 20% of the capital and operating costs and the County paying 100% of the capital and operating costs of its septage treatment facility, with estimated capital costs of the liquid treatment works at \$636,000, to be funded by the five municipal units of the CJSMA, and the Town of Amherst's share being 42.65%

**MOTION CARRIED**

**22. Temporary Borrowing Resolution – Leachate Treatment Plant**

The following Temporary Borrowing Resolution for was moved by Deputy Mayor March and seconded by Councillor Rhindress:

**TOWN OF AMHERST TEMPORARY BORROWING RESOLUTION**

File No. 05/06-02  
Solid waste management  
\$271,254

**WHEREAS** Section 66 of the Municipal Government Act provides that the Town of Amherst, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations, may borrow to expend funds for a capital purpose authorized by statute;

**AND WHEREAS** clause 65 of the Municipal Government Act authorizes the Town of Amherst to expend funds for the capital purpose of:  
– solid waste management;

**AND WHEREAS** the specific amounts and descriptions of the projects are contained in Schedule "A" (attached);

**BE IT THEREFORE RESOLVED**

**THAT** under the authority of Section 66 of the Municipal Government Act, the Town borrow a sum or sums not exceeding Two Hundred Seventy-One Thousand Two Hundred Fifty Four Dollars (\$271,254) for the purpose set out above, subject to the approval of the Minister of Service Nova Scotia and Municipal Relations;

**THAT** the sum be borrowed by the issue and sale of debentures of the Town to such an amount as the Council deems necessary;

**THAT** the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Town borrow from time to time a sum or sums not exceeding Two Hundred Seventy-One Thousand Two Hundred Fifty Four Dollars (\$271,254) in total from any chartered bank or trust company doing business in Nova Scotia;

**THAT** the sum be borrowed for a period not exceeding Twelve Months (12) from the date of the approval of the Minister of Service Nova Scotia and Municipal Relations of this resolution.

**THAT** the interest payable on the borrowing be paid at a rate to be agreed upon; and

**THAT** the amount borrowed be repaid from the proceeds of the debentures when sold.

**TOWN OF AMHERST  
TEMPORARY BORROWING RESOLUTION  
SCHEDULE 'A'**

\$271,254.

File No. 05/06-02  
Solid Waste Management

Solid Waste Management

\$271,254

**5. ADDITIONAL ITEMS**

## 6. 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
7. **Mayor's Report**

This being Ed Childs' last regular public Council meeting, Mayor Hallee took the opportunity to congratulate him on his retirement, and to express personal sentiments. Each member of Council then had an opportunity to say a few words to him. In response, Mr. Childs thanked Mayor, Council and staff, noting that we have the most progressive council in Nova Scotia, and Amherst is the best, most progressive town in the province.

## 7. ADJOURNMENT

On motion by Councillor Rhindress, the meeting adjourned at 8:40 p.m.

### APPROVED:

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Gregory D. Herrett, Town Manager

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Jerry Hallee, Mayor

## AGENDA

1. O'CANADA
2. DELEGATIONS/PETITIONS/PRESENTATIONS ..... Phillip Comeau – Plaque for Bravery
3. CALL TO ORDER
4. BUSINESS ITEMS:
  1. Additions to Agenda
  2. Approval of Agenda
  3. Approval of Minutes (May 24, 2005 Regular Meeting)
  4. First Reading, *New Municipal Planning Strategy By-Law, P-1*
  5. First Reading, *New Land Use By-Law, P-2*
  6. Pension Plan Amendment
  7. Encroachment License for A&W
  8. New Policy: Street Inspection and Maintenance, Number 230-13
  9. New Policy: Sidewalk Inspection and Maintenance, Number 230-14
  10. New Policy: Robb Ballfield #2
  11. Lord Amherst Drive Land Lease Agreement (Super 8 Sign)
  12. Write-off Uncollectible Business Occupancy Tax Accounts
  14. Tender Recommendation: Capital Paving
  15. Tender Recommendation: Ice Re-Surfacing Machine
  16. Tender Recommendation: Truck – 2006 Half Tonne Four Wheel Drive
  17. Tender Recommendation: Truck – 2006 Three-Quarter Tonne Extended Cab
  18. Tender Recommendation: Sewer Main Cleaning
  19. Geotechnical Investigation – Amherst Wastewater Treatment Facility
  20. Appointment of Greg Herrett as Chief Administrative Officer
  21. Summer Council Meetings
  22. Leachate Agreement
  23. Temporary Borrowing Resolution – Leachate Treatment Plant
5. ADDITIONAL ITEMS
6. INFORMATION ITEMS
  1. Planning and Development Department Report
  2. Corporate Services Department Report
  3. Operational Services Department Report
  4. Police Report
  5. Fire Department Report
  6. Community and Economic Development Department Report
7. ADJOURNMENT