

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: January 28, 2019
Time: 7:00 pm
Location: Council Chambers, Town Hall

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

Staff Present
 Greg Herrett, CAO
 Jason MacDonald, Deputy CAO Operations
 Bill Schurman, Director Recreation
 Greg Jones, Fire Chief
 Dwayne Pike, Acting Police Chief
 Tom McCoag, Corporate Communications Officer
 Andrew Fisher, Manager of Planning & Strategic Initiatives
 Shelley Rector, Chief Financial Officer
 Rebecca Taylor, Business Development Officer
 Kim Jones, Municipal Clerk
 Natalie LeBlanc, Deputy Clerk

Others Present
 Dan Osborne, AYTC Representative

1. CALL TO ORDER

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

2. O CANADA

Emily Black did the singing of O Canada.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Jones

Seconded By Councillor Rhindress

To approve the agenda with the addition of item 5.3 the Amherst Youth Town Council Report.

Motion Carried

3.2 Approval of Minutes

Moved By Councillor MacKenzie

Seconded By Councillor Byrne

To approve the minutes of the December 17, 2018 minutes as circulated.

Motion Carried

4. REQUESTS FOR DECISION

4.1 LUB Amendments Re: Cannabis - Second Reading

Moved By Councillor Blanch

Seconded By Councillor MacKenzie

That Council give Second Reading to the Bylaw P-2-24 to amend the Land Use Bylaw to regulate cannabis-related uses as shown in the attachment.

Motion Carried

By-Law P-2-24 to amend the Land Use By-Law, P-2

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of regulating cannabis-related uses.
2. In the Land Use By-law *Section 1.0 Definitions*, add section 17a that provides a definition for *Cannabis Production Facility*, add section 17b that provides a definition for *Cannabis Lounge*, and add section 17c that provides a definition for *Cannabis Retail Sales*.

17(a) **Cannabis Lounge** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.

17(b) **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including

- (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and
- (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(b) excluding

- (i) industrial hemp, and
- (ii) premises used for personal production permitted by federal legislation.

17(c) **Cannabis Retail Sales** means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.

3. In the Land Use By-law, Section 8.0 General Provisions for Commercial Zones add section 8.1.4 as follows:

8.1.4 Cannabis-Related Uses

Notwithstanding any other provision in this Bylaw, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Commission (NSLC).

4. In the Land Use By-law, Section 8.2.1 Highway Commercial Zone Uses Permitted, add *Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4* to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.
5. In the Land Use By-law, Section 8.3.1 Downtown Zone Uses Permitted, add Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4 to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.
6. In the Land Use By-law, Section 9.1 *Industrial Zone Uses Permitted*, add Cannabis Production Facility to the list of permitted uses

9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

Any manufacturing, industrial, assembly or warehousing operation

Any activity connected with the automotive trade, excluding salvage yards

Boat and Marine Supplies and Sales

Building supply and equipment depots including the bulk storage of sand or gravel

Railway uses

Recycling Collection and Storage Facilities, excluding salvage yards

Retail and office uses incidental to the main industrial use

Cannabis Production Facility, subject to section 9.6

7. In the Land Use By-law, add section 9.6 regarding Cannabis Production Facilities:

9.6 Cannabis Production Facilities

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or
- (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

4.2 150 East Victoria Street DA Application - First Reading**Moved By Deputy Mayor Christie****Seconded By Councillor Jones****That Council approve first reading of the development agreement regarding 150 East Victoria Street, with a Public Hearing to be held on February 20, 2019 at 12:00 p.m.****Motion Carried**

Case No. DA-2018-01

This Agreement made this _____ Day of _____ 2019.

Between:

Jack Van Der Donk (Owner of property located at 150 East Victoria Street [PIDs 25343187 & 25005224], hereinafter called the "Owner")

of the one part

- and-

The Town of Amherst (a body corporate hereinafter called the "Town")

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the Municipal Planning Strategy of the Town of Amherst, to convert a 15-unit motel into a 10-unit motel with 6 dwelling units on properties located at 150 East Victoria Street (PIDs 25343187 & 25005224.

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the _____ Day of _____ 2019, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Site Map
- (c) Schedule 'C' - Building Floor Plans

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the development agreement requested by the Owner, the Owner agrees as follows:

- 1) That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the Lands. The aforesaid Lands are the only lands in the Town of Amherst to which this agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.
- 2) That the owner may convert the existing 15-unit motel to a 10-unit motel and a 6-unit apartment complex, subject to the following Schedules A and B, attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

- 5) Should the Owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the Municipal Government Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the Municipal Government Act.

SIGNED, SEALED AND DELIVERED

FOR THE TOWN OF AMHERST

in the presence of

David Kogon
Mayor

Gregory D. Herrett, CA
Chief Administrative Officer

FOR THE OWNER
Jack Van Der Donk

Schedule A

150 East Victoria Street - Development Agreement

Terms and Conditions:

1. The use of the property shall be limited to a 10-unit motel and a 6-unit apartment dwelling in a 2-building complex.
2. The bulk and height of the buildings shall not be altered, and the character of the apartment buildings shall remain largely the same.
3. Solid waste management shall be in conformance with the Town of Amherst Solid Waste Bylaw.
4. **A minimum of one (1) parking space per dwelling unit and motel unit shall be maintained on the site.**
5. All driveway and parking areas shall be maintained with asphalt and kept clear of snow, and shall otherwise be unobstructed at all times so as to be passable by emergency vehicles.
6. All asphalt surfaces shall be repaired within twelve (12) months of issuance of an Occupancy Permit.
7. All areas not used for buildings, parking or driveways shall be landscaped with grass or other manicured vegetation. Existing overgrown vegetation on the property shall be removed to the satisfaction of the Development Officer.
8. The green space between the lower building and the asphalt shall contain maintained grass or other manicured vegetation, to the satisfaction of the Development Officer.
7. No outdoor storage shall be permitted on the property.
8. Exterior lighting shall be carefully designed to not shine directly onto adjacent properties.
9. The exterior rear wall of the lower building, including the foundation, shall be scraped and painted prior to August 1, 2018, and all other exterior cladding shall be maintained.
10. The subject properties, including buildings, shall be kept in good repair, and be continuously maintained to be aesthetically pleasing.

11. The existing office space at the front of the building may be used for the administrative purposes of the apartment complex as well as laundry facilities for residents of the complex.
12. A minimum of 2 benches and/or 2 patio and chair sets shall be provided out of doors for the residents of the property.
13. A minimum of 600 square feet of designated amenity space shall be created within the existing parking lot area that will be demarcated by fencing and / or vegetation, to the satisfaction of the Development Officer.
13. Upon entering into this agreement, the Owner shall submit an application for a Building Permit along with documentation that shows any necessary alterations to the building to meet current National Building Code requirements. In particular, any vents on the north side of the building shall also meet current National Building Code requirements.
14. Variations from the requirements of the development agreement in relation to the built structures are permitted in order to meet the Nation Building Code and nova Scotia Building Code requirements. Specifically, should non-combustible material be required along the outside walls this material will be permitted, with the design subject to the satisfaction of the Development Officer.

4.3 PAC Public Participation & Notification Policy

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Council approve the following amendments to the Public Participation and Notification Policy, namely to remove the requirement to conduct public participation sessions at a Planning Advisory Committee meeting, and permit them to be scheduled independently.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 66000-03

PAGE 1 of 1

DEPARTMENT: PLANNING AND DEVELOPMENT

TITLE: POLICY FOR PUBLIC PARTICIPATION and NOTIFICATION

Minutes reference date: May 25, 2015 January 28, 2019

PURPOSE:

To establish a policy for public participation, and notification for the adoption of the Municipal Planning Strategy (MPS), Subdivision By-law, Land Use By-law (LUB), Development Agreements, Variances, Site Plans, and amendments thereto.

AUTHORITY:

This policy carries out MGA section 204 that requires Council to adopt a public participation policy concerning the preparation and administration of planning documents. This policy also provides for public notification where required under MGA sections: 205 (Requirements for adoption of planning documents), 206 (Public hearings), 210 (LUB amendments), 221 (Notifications and costs), 230 (Adoption or amendment of development agreement), 232 (Site-plan approval), 236 (Variance procedures), and 237 (Variance appeals and costs).

~~The Deputy CAO, or designate, is responsible for administration of this policy.~~

POLICY:

Public Participation Session

1. A public participation session will take place, ~~at a meeting of the Planning Advisory Committee~~, prior to making a recommendation to Council. Notification of the session shall adhere to the Procedure for Public Participation and Notification.
3. A summary of the public participation session will be provided to **all members of the Planning Advisory Committee and Council** prior to First Reading.

Public Hearing

1. A public hearing will generally take place prior to a meeting of Council, and prior to giving second reading of the planning document, Development Agreement, or amendment thereto.
2. Advertisement and notification of the public hearing shall adhere to the Municipal Government Act, and the Procedure for Public Participation and Notification.

Documentation and Coordination

Documentation and coordination shall adhere to the Procedure for Public Participation and Notification.

4.4 Territorial Acknowledgement

Moved By Councillor Blanch

Seconded By Councillor Jones

That Council approve an amendment to the Proceedings of Council Policy to add the following statement to our Council meeting agenda, which would be read aloud by the Chair immediately following the Call to Order:

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

Against (1): Councillor Byrne
Motion Carried

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

To amend the motion so that Statement will be read at special events and ceremonies, rather than at every Council meeting.

Against (5): Mayor Kogon, Councillor Blanch, Councillor Jones, Councillor MacKenzie, a
Councillor Rhindre
Motion Defeated

TOWN OF AMHERST POLICY

NUMBER 10350-24

PAGE 1 of 12

DEPARTMENT: COUNCIL

TITLE: PROCEEDINGS OF COUNCIL

Minutes reference date: 23 February 2015 22 June 2015 2019 January 2019

General

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation. Authority to enact this policy is under Section 23(1)(a) and (b) of the *Municipal Government Act*. The rules of order set out in this policy shall apply to all Town committees and commissions.

Definitions

2. In this Policy, unless the context otherwise requires,
 - (a) “business day(s)” means a day when the Town of Amherst office is open for business;
 - (b) “Chair” means the presiding officer;
 - (c) “committee” means any standing or adhoc committee or commission, the members of which are appointed by Council;
 - (c) “Council” means the Council of the Town of Amherst;

- (d) "Council Member(s)" include(s) the Mayor unless the context indicates otherwise;
- (e) "majority" means more than one half of those present, unless the context indicates otherwise.

Time, Place, Date and Notice of Meetings of Council and Committee of the Whole

3. Unless otherwise specified pursuant to section 5, regular meetings of Council shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the fourth Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 7:00 PM and concluding not later than 9:00 PM; when public hearings are scheduled, the hearing will commence at 6:30 PM and the Council meeting will commence at 7:00 PM.
4. Unless otherwise specified to section 5, regular meetings of Committee of the Whole shall be held:
 - (a) In Council Chambers, Dominion Public Building, 98 Victoria Street, Amherst;
 - (b) On the third Monday of every month except that there shall be no regular meeting during the months of July and August;
 - (c) Commencing at 4:00 PM and concluding not later than 6:00 PM.
 - i. Should there remain unfinished business on the agenda at 6:00 PM, the meeting shall be adjourned until 4:00 PM on the fourth Monday when the balance of the business on the agenda shall be addressed.
5. Regular meetings of Council or Committee of the Whole may be rescheduled, relocated or cancelled:
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional or special meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances, provided the Mayor believes that the majority of Council Members would support such a step.
6. Additional or special meetings of Council or Committee of the Whole may be convened
 - (a) By resolution of Council at a previous meeting three or more days in advance of the additional meeting;
 - (b) By resolution of Committee of the Whole at a meeting three or more days in advance of the additional or special meeting; or
 - (c) By the Chief Administrative Officer on behalf of the Mayor, owing to unforeseen circumstances provided the Mayor believes that the majority of Council Members would support such a step.
 - (d) Business conducted at a special meeting must conform to what is specified in the call of the meeting.
7. Specific notice to Council Members and to the public need not be provided of
 - (a) Meetings held pursuant to section 3 or 4; or
 - (b) Meetings held pursuant to subsection (a) and (b) of section 5 or 6;

but, subject to any statutory relaxation of notice requirements, three days' notice shall be specifically provided for other meetings to Council Members in the manner described in section 9 and to the public in the manner described in section 10.

Within 30 days following the first meeting of Council after a municipal election or by-election:

- (a) The CAO shall provide a cellular phone to each Council Member which the Council Member will check at least once per day; and
 - (b) The CAO shall provide an electronic email address to each Council Member, and the Council Member will check at least once per day;
8. Subject to section 7, notice of meetings shall be provided by electronic mail to each Council member through the Town electronic mail address as provided in section 8.
9. Subject to section 7, notice of meetings shall be provided to the public by posting in the lobby of the Dominion Public Building and in a prominent place on the Town's website, a "Notice of Council Meeting" containing the time, date and place of the meeting.

Conduct of Meetings

10. It shall be the duty of the Chair to:
- (a) Open the meeting of Council by taking the chair and calling the Council Members to order;
 - (b) Receive and submit to Council motions properly presented by a Council Member;
 - (c) Put to a vote a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote.
 - (d) Decline to put to a vote, a motion which infringes upon the rules of procedure;
 - (e) Restrain the Council Members, when engaged in debate, within the rules of conduct of debate;
 - (f) Enforce on all occasions, the observance of order and decorum;
 - (g) Call by name any Council Member persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
 - (h) Inform the Council when necessary, or when referred to, on a point of order;
 - (i) Permit the Chief Administrative Officer to speak on any point upon request;
 - (j) Permit proper questions to be asked through the Chair or any official or employee of the Town of Amherst, to provide information to assist any debate;
 - (k) Declare a meeting dissolved if no quorum has been achieved within 15 minutes of the scheduled meeting time. And
 - (l) Adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or when the adjournment time has been reached, except when it is extended by unanimous consent.

Council Agenda

11. All items appearing on the Council agenda will only consist of items that have been:
- (a) Recommended or referred to Council by motion through either Committee of the Whole or a committee of Council;
 - (b) Placed on the agenda by Council through a motion or notice of motion at a previous meeting;
 - (c) Submitted by a member of Council prior to the issuing of the final agenda;
 - (d) Approved as an addition to the agenda of a regular meeting at the time the agenda is approved at the meeting.
12. Except for matters arising from correspondence, committee or other reports, agenda items, or notices of motion or other material circulated to Council Members on or before the business day before the meeting, and except for matters arising from an *in camera* meeting, no motion committing the Town of Amherst to the expenditure of funds shall be accepted by the Chair for the consideration of Council except with the unanimous consent of Council Members present.
13. Preliminary Council agendas will be issued by 4:30 PM on the Friday preceding the regularly scheduled meeting.
14. Final Council agendas will be issued by noon on the day of the meeting.

15. Items included on the Council agenda will include a copy of the motion to be made when the item arises on the agenda.
16. Copies of the agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting except for the supporting documents related to matters to be dealt with in camera.
17. At Council meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) **Territorial Acknowledgement**
 - (c) National anthem
 - (d) Presentations
 - (e) Approval of agenda, including additions or deletions
 - (f) Approval of minutes from the previous meeting
 - (g) Follow up action list
 - (h) Requests for Decision
 - (i) Information / Discussion Items
 - (j) Additions
 - (k) Internal Committee Reports
 - (l) External Committee Reports
 - (m) Adjournment
18. Councillors who have been appointed to outside Boards and Agencies shall provide a written report to the Council to be included in the agenda package. Recognizing that such reports provide Council with the ability to make informed decisions, reports may contain such elements as:
 - (a) The date the meeting was held;
 - (b) A review of the key issues or discussion points covered that have an impact on the Town;
 - (c) Information and decisions that may impact a current Council position, or future Council course of action;
 - (d) A summary of the organization's key operations and events.

Committee of the Whole Agenda

19. The Committee of the Whole will meet for the purpose of discussion and possible referral to Council and no formal decisions will be made by Committee of the Whole, except to the extent that Committee of the Whole is specifically designated bylaw, policy or delegated by a resolution of Council as having the authority to make a decision.
20. Items appearing on the Committee of the Whole agenda will only consist of items as follows:
 - (a) Placed on the agenda by Council or Committee of the Whole through a motion or notice of motion from a previous meeting;
 - (b) Submitted by a member of Council prior to the issuing of the final agenda;
 - (c) Staff reports;
 - (d) Items from the administration requiring a decision or direction;
 - (e) Items approved as an addition to the agenda at the time the agenda is approved at the meeting.
21. Preliminary Committee of the Whole agendas will be issued by 4:30 pm on the Friday preceding the regularly scheduled meeting.
22. Final Committee of the Whole agendas will be issued by noon on the day of the meeting.

23. Items included on the Committee of the Whole agenda will include a copy of the motion to be made when the item arises on the agenda.
24. Copies of the Committee of the Whole agenda and supporting documentation will be made available to the public in electronic format by 9:00 AM the day of the meeting, except for the supporting documents related to matters to be dealt with in camera.
25. At Committee of the Whole meetings, unless a majority consents to a different order for the meeting, Council shall conduct business in the following order:
 - (a) Call to Order
 - (b) Approval of Agenda
 - (c) Approval of Minutes
 - (d) Presentations
 - (e) Council Direction Requests
 - (f) Information / Discussion Items
 - (g) Monthly Departmental Reports
 - (h) Adjournment

Minutes

26. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the minutes of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.
27. The minutes shall be kept by the Clerk who may, in his or her discretion, appoint recording secretaries as appropriate
28. The Minutes shall:
 - (a) Record the time when any Council Member joins or leaves a meeting which is in progress;
 - (b) Contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders, and shall record the outcome of each vote;
 - (c) Mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents.

Motions, Voting and Speaking

29. The Chair shall start every question properly presented to Council and before putting it to a vote, shall ask, "Is Council ready for the question" and if no Council Member offers to speak, the Chair shall put the question, after which no Council Member shall be permitted to speak upon it.
30. The usual form of voting shall be by the Chair calling for "yeas" and "nays", but any Council Member, before or after a voice vote can call for, and obtain through the Chair, a show of hands and any two Council Members can call for, and obtain through the Chair, a recorded vote with each Council Member's vote entered into the minutes.
31. A motion must be seconded and then repeated by the Chair or read aloud by the Chief Administrative Officer before it is debated. The Chair may direct that the motion be put in writing.
32. After reading of a motion by the Chair or Chief Administrative Officer, it shall be open for discussion.
33. A motion may at any time before the Council has voted on it be withdrawn by the mover with the consent of the seconder.
34. The Chair must vote and shall be deemed to have voted in the affirmative on any resolution unless the Chair indicates clearly it is voting in the negative.
35. When any question is before the Council, the only motions in order shall be:
 - (a) A motion in amendment of the original motion;

- (b) A motion to refer the question, including the motion and amendment if one is moved, to any committee;
- (c) A motion to defer the consideration of the question either indefinitely or to a specified time;
- (d) A motion to close the debate at a specified time;
- (e) A motion that the question be put to a vote;
- (f) A motion to adjourn.

36. When any one of the motions mentioned in the next preceding section has been made as an amendment to the original motion, no other motion may be made as an amendment except to the original motion or to the amendment, except the following:

- (a) To refer to a committee;
- (b) To defer the consideration of the question;
- (c) To close the debate at a specified time;
- (d) That the question be put to a vote;
- (e) To adjourn

Any of which may be moved either to the original motion or to the amendment of the original motion.

37. A motion:

- (a) That the debate be closed at a specified time; or
- (b) That the question be put to a vote,

Shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not itself be put to a vote until every Council Member who has not spoken on the question and claims a right to speak has been heard.

38. A motion that the question be put to a vote shall preclude all amendments to the main question until the motion is decided, and shall be put to a vote, without debate, in the following words: "That this question be put to a vote". If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate, but if such motion is resolved in the negative, then the Council shall proceed to other business.

39. A motion to adjourn shall always be in order except in the following cases:

- (a) When a Council Member is in possession of the floor;
- (b) When the "yeas" and "nays" are being called;
- (c) While the Council Members are voting; or
- (d) When the adjournment was the last preceding motion.

40. The following questions shall be decided without debate:

- (a) A motion to reconsider;
- (b) All motions as to priority of business or as to the suspension of the order of the day;
- (c) Applications to speak more than the prescribed number of times;
- (d) A motion to allow any person other than the Council Members or CAO to address the Council;
- (e) A motion to postpone to a specified time or day;
- (f) A motion to lay on the table when claiming a privilege over another person; and
- (g) A motion to adjourn.

41. Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be decided or withdrawn before the main question is put to a vote. Only one amendment shall be allowed to an amendment and any further amendment must be to the main question.
42. Any notice of motion given by a Council Member for a subsequent meeting may, in the absence of the Council Member giving such notice, be taken up by any other Council Member.
43. Every Council Member, prior to speaking on any question or motion, shall raise a hand and wait to be recognized by the Chair. When two or more Council Members raise their hands to speak, the Chair shall designate as the Council Member who has the floor the Council Member who, in the opinion of the Chair, first raised a hand.
44. No Council Member may speak more than twice, without the leave of Council, on any motion except to explain a misconception of his remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.
45. When a Council Member wishes to explain, the Council Member shall raise a hand and ask leave of the Chair, without further comment, and if permitted by the Chair, shall explain only an actual misunderstanding of language.
46. No Council Member shall speak more than two minutes upon any matter at one time, without the leave of Council.
47. During a meeting Council may adjourn for short periods or move to another place, without ending the meeting.

Reconsideration

48. After any question has been decided in the affirmative, any Council Member who has voted in the affirmative, may, after the decision has been announced from the chair but before adjournment of the meeting, give notice of an intention to move a reconsideration at the next meeting of the Council. The giving of such a notice operates as a stay or suspension of Council's decision.
49. Unless reconsideration is moved at the next meeting, the right of reconsideration shall be lost.
50. No discussion of the main question shall be allowed on the motion for reconsideration.
51. The following matters are not eligible for reconsideration:
 - (a) A motion approving the first or second reading of a bylaw enactment, amendment or repeal;
 - (b) A motion to decide upon a matter which was the subject of a statutory hearing by Council;
 - (c) A matter which has been reconsidered once; and
 - (d) A vote to reconsider.

Rescission

52. No motion to rescind any resolution of Council shall be made unless Notice of intention to move the same has been given at the regular meeting of Council just previous to that at which the same is moved.
53. A Notice of motion to rescind any previous resolution of the Council may be given by any member at any regular meeting of Council.
54. When giving Notice of motion to rescind, the member shall provide a brief explanation of the reason for the Notice.
55. A Notice of motion to rescind shall be dealt with at the next meeting of the Council.
56. At such meeting, the giver of such Notice, or in the absence of the giver, any other member on the giver's behalf shall move the motion to rescind and shall briefly state the reasons therefor.
57. If the motion to rescinded is seconded the same becomes subject to debate according to the normal rules except that it may not be amended.
58. A motion to rescind requires the same vote as was required for the resolution which is subject to rescission. That is, if the resolution subject to rescission required a majority vote of Council the motion to rescind such resolution shall require a majority vote of Council.

Points of Order

59. It shall be the duty of the Chair, and the privilege of any Council Member, to call any Council Member to order, who violates any established rule or order. A point of order must be decided before the subject under consideration is proceeded with.
60. When a Council Member is called to order, the Council Member shall remain seated and silent until the point is determined, until called upon by the Chair to be heard on the point of order.
61. A point of order is not debatable amongst other Council Members, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Council Member shall speak more than once.
62. Decisions of the Chair on points of order or procedure, including an order expelling and excluding a person from the Council Chambers pursuant to sections 65 and 66, are not debatable but are appealable to Council by any Council Member. When an appeal is made from the decision of the Chair, the Chair shall simply put the question, "Shall the decision of the Chair be sustained?"
63. No Council Member shall use offensive or unparliamentary language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.
64. If a Council Member resists the rules of Council, willfully obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair or otherwise disrupts the proceedings of council, the Council Member may be ordered by the Chair to leave the Council Member's seat provided that a majority vote of Council shall be required to sustain the expulsion.
65. If the Council Member refuses to leave the Council Member's seat, the Chair may order the Council Member to be expelled and excluded from the Council Chambers.
66. Such Council Member may, by vote of Council, later in the meeting or at a subsequent meeting be permitted to re-enter Council Chambers and to resume participation in Council's business with or without conditions.
67. Persons who are not Council Members or officers or employees of the Town of Amherst shall observe silence and order in the Council Chambers, unless given permission to speak. Any such persons disturbing the proceedings of Council shall be called to order by the Chair, and, if they fail to comply, shall be ordered by the Chair to be expelled and excluded from the Council Chambers, provided that a majority vote of Council shall be required to sustain the expulsion.
68. Such member of the public may, by vote of Council, later in the meeting or at a subsequent meeting, be permitted to re-enter Council Chambers with or without conditions.
69. An order of the Chair to expel a person from the Council Chambers pursuant to section 68 of this Policy constitutes a direction from the Town of Amherst to leave the premises for purposes of the *Protection of Property Act* and other applicable laws.
70. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided according to the ruling of the Chair, having regard to general principles of parliamentary procedure to the best of the Chair's ability but the Chair shall not be expected to conform its decisions with parliamentary procedure texts or precedents.
71. Any of the rules of order may be suspended in its operation by the unanimous consent of the Council Members present.

Presentations to Council

72. Persons wishing to make a presentation to Council shall write one week in advance of the next Committee of the Whole meeting to the CAO outlining their issue and the decision they wish Council to consider, and request to make a presentation.
73. The request will be added to the next Committee of the Whole agenda to be issued.
74. Committee of the Whole will discuss the matter when it appears on the agenda, and will determine if they wish to have the presentation at a future meeting.
75. The CAO shall advise the person or group requesting to make a presentation of the decision of Committee of the Whole including, if approved, the date and time of the presentation.
76. Presentations shall be limited to 15 minutes, unless Committee of the Whole determines a longer period of time is needed.

77. When a delegation is recognized and offered an opportunity to speak, the Mayor or Chairperson of the meeting will request the spokesperson to come forward from the gallery to present. Only one person shall be permitted to speak.
78. No debate or decision on the presentation will occur during the meeting in which the presentation is made, unless the item was previously an agenda item for that meeting.

Petitions

79. Persons wishing to present a petition to Council shall file a copy of the petition with the CAO before 12:00 noon on the Wednesday prior to the meeting of Council at which it is proposed to be presented.
80. The CAO shall circulate a copy of any such petition to each member of Council before the meeting at which it is proposed to be presented.
81. The body of the petition itself, excluding the list of names, shall, if determined by the Chairperson to be practical, be read by the CAO on behalf of the group supporting the petition.
82. No petition shall be presented which Council determines to contain impertinent or improper matter.

No persons shall be permitted to speak, whether supporting or opposing the petition, unless the petition comes up for discussion which shall be at the next regular meeting of Council unless Council decides according to the rules to hold a special meeting of Council for that purpose.

4.5 Council Remuneration

Moved By Councillor Byrne

Seconded By Councillor Rhindress

That Council approve the amendment to the Salary Administration Policy #04530-01, to reflect an increase in Council Remuneration with salaries reflection the increased outlined below:

<u>Salary Increase</u>	<u>Current</u>	<u>Future</u>
Councillor	\$21,542	\$25,050
Deputy Mayor	\$24,375	\$27,723
Mayor	\$36,447	\$41,178

Motion Tabled

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

That Council defer a decision to the February Committee of the Whole meeting, and direct staff to do a report on what other municipalities have independent committees setting remuneration for Council, and what the salaries of other comparable municipal Councillors are.

**Against (1): Councillor Jones
Motion Carried**

4.6 Snow and Ice Management Policy Amendments

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

That Council approve amendments to the Snow and Ice Management Policy, which would revise the list of Town-owned and leased parking lots and include the Community Credit Union Business Innovation Centre to the list of public buildings.

Motion Carried

DEPARTMENT: OPERATIONS

TITLE: SNOW AND ICE MANAGEMENT POLICY

Minutes reference date: 24 November 2014 23 November 2015 28 January 2019

PURPOSE:

The purpose of this policy is to provide direction to staff involved in snow and ice management operations to ensure streets, sidewalks, fire hydrants and parking lots are cleared in a safe and timely manner.

POLICY STATEMENT:

1. Snow and ice management operations will commence after 5 – 10 cm of snow has fallen and snowfall is continuing.
2. Salting of streets on the 'salt route' will commence when conditions warrant and salting of remaining streets not on the salt route will occur as needed.
3. Upon completion of the public streets, sidewalk operations will commence.
4. Priority will be given to heavily travelled streets and sidewalks, as defined in this policy.
5. Safety of the public and our operators is paramount in all aspects of our work.
6. Additional street widening and intersection clearing will occur upon the completion of the priority operations and as time and budget allow.

SERVICE LEVEL EXPECTATIONS

Level of Service for Roadway Types

The objective is that all streets will be cleaned of snow within 6 hours from the end of a snow storm of up to 30 centimetres.

Street Priority 1

- Plow continuously during storm, visibility permitting
- Plow to bare pavement, whenever possible
- Normally plow curb to curb within 4 hours after storm ends

Street Priority 2

- Plow continuously during storm, visibility permitting
- Salting of hills, intersections, as needed
- Normally plow curb to curb within 6 hours after storm ends

Level of Service for Sidewalk Types

The objective is that all sidewalks will be cleaned of snow within 24 hours from the end of snow plowing operations, for snow storms up to 30 centimetres.

Sidewalk Priority 1 (Cleared within 12 hours)

- Sidewalks in school zones
- Sidewalks in the Core Area District (Downtown)
- Arterial streets

Sidewalk Priority 2 (Cleared within 24 hours)

- Collector streets
- Local streets

The sidewalks in the Downtown will be maintained with salt. Other sidewalks will receive sand to improve traction, as needed.

Level of Service for Fire Hydrants

The objective is that all fire hydrants will be accessible by emergency personnel 96 hours from the end of snow plowing operations, for snow storms up to 30 centimetres.

The Streets Foreman will decide if the accumulation of snow around the fire hydrants, and/or the snow bank along the street in front of the fire hydrant, warrants the clearing operation to be activated.

Town crews are available to clear hydrants in an emergency, whenever required.

MAJOR STORMS

A major storm will be declared by the Transportation Foreman, or on-call supervisor, when snow clearing crews are no longer able to keep all Town streets cleared of snow and the storm continues.

During a major snowstorm, crews will attempt to keep at least one lane of the following streets open:

- | | |
|--------------------------------|--------------------------------------|
| - Abbey Road | - Lawrence Street |
| - Albion & South Albion Street | - McCully Street |
| - Anson Avenue | - Pleasant (East & West) |
| - Chamberlain Street | - Spring Street |
| - Chandler Road | - Robert Angus Drive |
| - Church Street | - Rupert Street |
| - Havelock Street | - Townshend Avenue |
| - Hickman Street | - Tupper Blvd |
| - Industrial Park Drive | - Victoria Street |
| - LaPlanche Street | - Willow Street |
| - King Street | - Prince Arthur (Church to Havelock) |
| - Electric Street | |

During a major snowstorm, the Town Hall Parking Lot, Fire Station and Stadium parking lots will be kept open to allow emergency off-street parking.

To provide quick response in an emergency, a "storm line" will be activated during major storms (664-6000). This line will be monitored 24 hours a day until all of the streets have been opened.

As snowfall intensity decreases, Town equipment will commence snow plowing operations on other streets.

PRIORITY STREETS – BARE PAVEMENT

Town snow clearing crews will attempt to create a "bare pavement" condition within 12 hours following a snowfall event of up to 30 cm on the following streets:

- Victoria Street
- Church Street
- Willow Street
- Albion / West Pleasant intersection
- Albion Street
- South Albion Street
- Lawrence Street
- LaPlanche Street
- Robert Angus Drive
- East Pleasant
- West Pleasant
- Hickman Street

SNOW HAULING

Within 48 hours of the accumulation of 10 or more centimeters of snow, the snow will be hauled away from the boulevards of the Town streets listed below:

- Victoria Street from Herbert Street to C.N.R. Tracks
- Church Street from Victoria Street to YMCA Driveway
- Havelock Street from Victoria Street to Prince Arthur Street
- Ratchford Street
- King Street
- Princess Street
- Electric Street
- Prince Arthur Street from Acadia to Station Street
- Acadia Street from Victoria Street to Prince Arthur Street
- Albion Street from Church Street to the Lord Amherst Drive
- LaPlanche Street from Victoria Street to Civic # 12
- Lawrence Street from Victoria Street to Civic # 17
- Academy Street from Spring Street to Queen Street on (West side only)
- Charles Street from Spring to Dunlap (West side only)
- Spring (Albion to Church)
- Maltby Court

- Cornwall Avenue (West Side)
- Hickman Street (Mission to Park)
- Mission Street (Hickman to Cornwall)

TOWN OWNED PROPERTY

Town staff will take necessary steps to minimize public hazards due to snow/ice conditions on Town-owned/leased property.

Public Parking Lots

When a snow event of 5cm or more has occurred over night, snow will be removed by private contractors before 8:00 a.m. each day for the following Town owned parking lots:

- Town Hall
- Police Station
- Fire Station
- Library
- Works Garage
- Stadium
- Ratchford Street
- Corner of Maple and Electric

AND

For private parking lots that are leased by the Town of Amherst.

The lots will then be checked for slippery conditions by Town staff and appropriate measures taken, using salt and sand as required to alleviate any hazard to the public. Further periodic checks are to be made as conditions warrant throughout the day.

- Town Hall
- Library
- Ratchford Street
- George Blanche
- Corner of Maple and Electric
- Corner of Church and Electric
- Bounded by Church, Prince Arthur, Maple and Electric
- Trinity
- Baptist Church and Church of England
- YMAG
- Stadium
- Fire Station

Public Buildings

The public entrances and adjacent sidewalks to Town operated facilities will be checked by Town staff for hazardous snow and ice conditions each day, before the building is open to the public. Excess snow will be removed and slippery conditions will be addressed using salt, sand and other suitable ice control material. Further periodic checks are to be made as conditions warrant throughout the day.

- Town Hall
- Police Station
- Fire Station
- Library
- Works Garage
- Stadium
- Community Credit Union Business Innovation Center

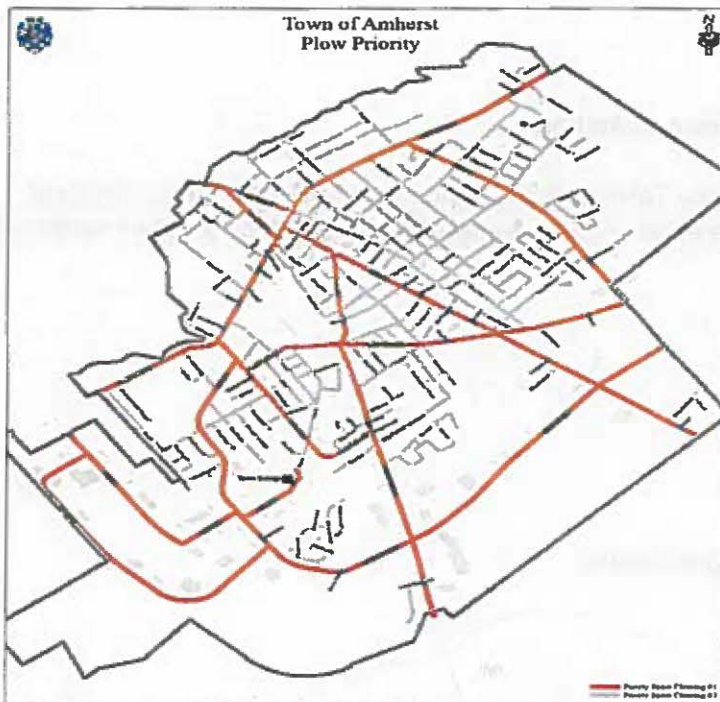
SALT MANAGEMENT

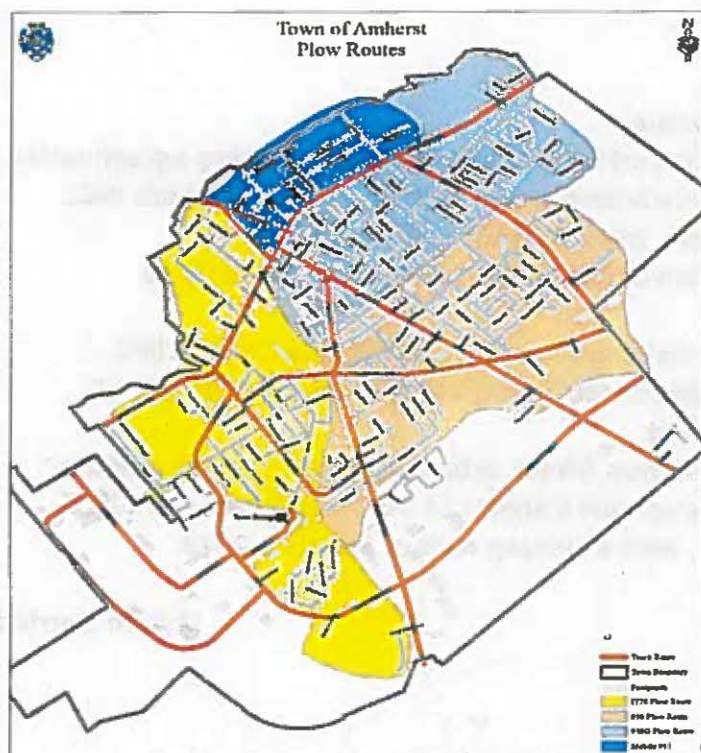
The Town of Amherst is committed to the efficient management of its road salt, while continuing to provide effective winter maintenance for the safety of motorists and winter maintenance workers.

The Town will demonstrate environmental responsibility by implementing and maintaining a Salt Management Plan (SMP) and associated best management practices.

To ensure the Town successfully meets its commitment, it will:

- Conduct operational activities in a manner that protects the environment and prevents or minimizes pollution;
- Continue to provide snow and ice control on Town streets so that service level standards are achieved;
- Address concerns raised by the federal government's review of road salts and their effect on the environment;
- Comply with environmental legislation, relevant standards, and industry codes of practice that apply to the Town's facilities and operations;
- Provide all winter maintenance personnel with appropriate training and resources so they are able to complete their assigned tasks in a manner that is consistent with the requirements of this Policy;
- Establish and track objectives and targets to verify effectiveness and identify opportunities for continual improvement of processes and operations;
- Monitor operations and implement appropriate corrective and/or preventive actions to improve performance;
- Communicate the requirement of this Policy and the Salt Management Plan to all employees.





4.7 Poverty Reduction Circle

Moved By Deputy Mayor Christie

Seconded By Councillor Blanch

That Council endorse and support the creation of an adhoc Poverty Reduction Advisory Circle to:

- provide advice and assistance to Council in understanding and addressing poverty in Amherst;
- engage a broad range of stakeholders and government departments at all levels on the issues related to poverty in Amherst;
- through engagement, develop a better understanding of the capacity and roles of stakeholders to address poverty in the community;
- identify opportunities for short term actions;
- development of a poverty reduction action plan.

And further that the ad hoc Advisory circle consist of:

Deputy Mayor Sheila Christie
 Bill Schurman
 Sarah MacMaster
 HeeYeon Son
 Colleen Dowe
 Veronica Richards
 Connie Fisher
 Dawn Ripley,
 Allison Lair
 Janine DeWitt

Town of Amherst
 Town of Amherst
 Executive Director Maggie's Place
 Volunteer, Newcomer
 Community Health Board Coordinator, NSHA
 Volunteer, St. Vincent de Paul, Empowering Beyond Barriers
 Academic Chair, Health & Human Services, NSCC
 Health Equity Consultant, NSHA
 Community Support Coordinator, YMCA
 Health Promoter, Public Health, NSHA

And further that the Poverty Reduction Circle set a target date of March 31, 2019 to present to Council a detailed terms of reference with timelines.

Motion Carried

4.8 February Meeting Dates

Moved By Councillor Jones

Seconded By Councillor Rhindress

That Council change the regular Committee of the Whole meeting date from Monday, February 18, 2019 to Tuesday, February 19, 2019 due to the Heritage Day holiday.

Motion Carried

4.9 VIA Station

Moved By Councillor Byrne

Seconded By Deputy Mayor Christie

That Council authorize the Mayor and CAO to execute the following agreements:

- 1. Agreement of Purchase & Sale between the Town & VIA Rail Canada INC.**
- 2. Lease Agreement between the Town & VIA Rail Canada INC.**
- 3. Agreement of Purchase & Sale between the Town & J.E. Bembridge Enterprises Limited.**
- 4. Access and Use Agreement between the Town & VIA Rail Canada INC.**
- 5. Contribution Agreement between the Town, VIA Rail Canada INC., & J.E. Bembridge Enterprises Limited.**

that provide for the transfer of Station Street, adjacent parking areas, and the Train Station to the Town, with eventual transfer of the Train Station to J.E. Bembridge Enterprises Limited, with a closing date of March 1, 2019.

Motion Carried

4.10 12 Havelock Street

Moved By Councillor Jones

Seconded By Councillor MacKenzie

That Council approve the renewal of a 5-year lease agreement with the owner of 10 Havelock Street to lease a portion of the park space at 12 Havelock Street for the purpose of a walkway and a ground sign.

Motion Carried

THIS LEASE made this ___ day of _____, 2018 effective as of _____

BETWEEN:

TOWN OF AMHERST, a body corporate,
(herein called the "Lessor")

OF THE ONE PART

- and -

Kevin Nelson of the County of Cumberland, Province of Nova Scotia
(herein after called the "Lessee")

OF THE OTHER PART

WITNESSETH THAT:

- 1. In this Lease,
 - (a) The "Lessor's Lands" means the lands of the Lessor situate at 12 Havelock Street, Amherst, Cumberland County, Province of Nova Scotia (PID No. 25028713);
 - (b) "Demised Premises" means the lot of land forming part of the Lessor's lands known as PD 25028713, 12 Havelock Street, Amherst, County of Cumberland, Nova Scotia, and more particularly shown in Schedule "A" to this Lease;
 - (c) "Lessor" means Town of Amherst, a body corporate;
 - (d) "Lessee" means Kevin Nelson, owner of 10 Havelock Street, successors, assigns, servants, agents, licensees, workmen, contractors and guests;

DEMISE

- 2. In consideration of the rents hereby reserved and the covenants herein contained, the Lessor hereby leases to the Lessee the Demised Premises, for a term of five (5) years beginning December 1, 2018 and ending November 31, 2023 and upon agreement of both parties renewable for two five-year terms thereafter, for the following purposes:
 - (a) A six (6) foot wide walkway on the Demised Premises from the sidewalk on Ratchford Street to the side of the building located at 10 Havelock Street, the purpose of said walkway being to allow employees and patrons access to the said building.

- (b) A ground sign in compliance with the Amherst Land Use Bylaw and no greater than eight (8) square feet in area located within ten (10) feet of said walkway to be used for the sole purpose of advertising the business located at 2 Ratchford Street, a tenant of the Lessee.

RENT

3. The Lessee shall pay to the Lessor as rent the sum of One Hundred and Six Dollars (\$106) per year together with the Harmonized Sales Tax, payable yearly in advance from the date upon which the lease term commences.

The rent for any additional five year term shall be adjusted upward (but not downward) in an amount proportionate to the increase, if any, of the value of the Demised Premises as established by the "Consumer Price Index" published by Statistics Canada and compounded annually as appropriate.

LESSOR'S COVENANTS

4. The Lessor covenants with the Lessee as follows:
- (a) The Lessor has good and marketable title to the Demised Premises and full and absolute right to lease the Demised Premises and so long as the Lessee is not in default of any of the terms of this Lease, the Lessee shall have the right to utilize the Demised Premises for employee and customer access to the building located at 10 Havelock Street;
 - (b) The Lessee may terminate this Agreement upon three (3) months' written notice given by the Lessee to the Lessor, provided however any rent paid in advance to the Lessor shall not be refundable to the Lessee;
 - (c) The Lessee may not sub-lease any portion of the land or sign to another party without written consent of the Lessor. Such consent may cause a change in the amount of rent paid by the Lessee to the Lessor.

LESSEE'S COVENANTS

5. The Lessee covenants with the Lessor as follows:
- (a) The Lessee shall indemnify and save harmless the Lessor from and against all or any actions, claims or demands that may be lawfully brought against the Lessor by reason of anything done by the Lessee, its agents or contractors or anything placed on the Demised Premises by the Lessee its agents or contractors;
 - (b) Upon expiry or earlier termination of this Lease, and within three months thereafter, the Lessee shall remove the walkway and restore the Demised Premises to its original condition.
 - (c) The Lessee will promptly discharge any Mechanics Liens filed against the Demised Premises with respect to work done for the benefit of or at the request of the Lessee, provided that the Lessee may in good faith contest any lien in a court or tribunal having jurisdiction and, further provided that the entry into this Lease by the Lessor shall not constitute a consent by the Lessor under the *Builders' Lien Act*, R.S.N.S., 1989, c. 277 in respect of Section 8(2) of the *Act*.
 - (d) The Lessee will make good any damage to the Lessor's Lands resulting from installation of and subsequent maintenance to the Walkway and related equipment.
 - (e) The Lessee will, in its occupancy of the Demised Premises, comply with all laws, regulations and rulings of any government or governmental organization having lawful jurisdiction.
 - (f) The Lessee shall not have exclusive rights over the Demised Premises and for further clarity, members of the public utilizing the park located at 12 Havelock Street shall have the right to cross the walkway in their utilization of the said park.
 - (g) The Lessee shall not install any obstruction, fence, barrier or other device which will obstruct the full utilization of the park located at 12 Havelock Street.
 - (h) The Lessor may terminate this Agreement upon three (3) months' written notice given by the Lessor to the Lessee.

FOREFEITURE AND RE-ENTRY

6. If the Lessee should be in default of any of the terms of this Lease and if the Lessee should fail to cure such default within thirty (30) days after the Lessor gives the Lessee written notice of such default or if the Lessee shall become bankrupt or make a general assignment for the benefit of its creditors, then the Lessor may enter upon the Demised Premises and every part thereof and thence forth this Lease shall be void; provided, however, if the default by the Lessee can only be cured by the performance of labour or the furnishing of materials and if such labour cannot easily be completed or such materials reasonably

obtained and utilized within thirty (30) days, such default shall not be deemed to continue if the Lessee proceeds promptly with such work as may be necessary to cure the default and continues diligently to complete the same. The Lessee shall thereupon remove all its fixtures in accordance with Article 5 of this Lease.

ARBITRATION

- 7. Any unresolved disputes between the parties arising out of this Lease shall be resolved by arbitration between the parties by reference to a single arbitrator subject to the provisions of the *Commercial Arbitration Act* of Nova Scotia.

NOTICES

- 8. Any notice in writing which either party may give to the other with regard to any matter or thing in this Lease may be validly given by mailing the same by prepaid registered post addressed, if intended for the Lessor, to:

Town of Amherst
98 Victoria Street
PO Box 516
Amherst NS B4H 4A1

Attention: Gregory D. Herrett, CPA, CA, Chief Administrative Officer

And, if intended for the Lessee, to:

Kevin Nelson
745 Green Road, RR2
Amherst, NS B4H 3X9

SUCCESSORS AND ASSIGNS

- 9. This Lease shall enure to the benefit of and be binding upon the Lessor, their heirs, executors, administrators, successors and assigns, the owners from time to time of the Lessor's Lands and upon the Lessee and its successors and assigns, the holders from time to time of the Lessee's leasehold interest in the Demised Premises.

IN WITNESS WHEREOF the Parties have duly executed these presents the day and year first above mentioned.

SIGNED, SEALED AND DELIVERED)

In the presence of:)

Witness)

Witness)

TOWN OF AMHERST

Per: _____

Per: _____

KEVIN NELSON

Per: _____

5. INTERNAL COMMITTEE REPORTS

5.1 Planning Advisory Committee

Information item; no direction given or action required.

5.2 Amherst Board of Police Commissioners - No Report

5.3 Amherst Youth Town Council

Dan Osborne, PR Director for AYTC, presented the AYTC report to Council. Information item; no direction given or action required.

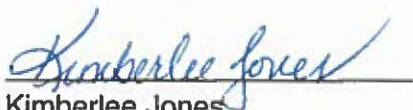
6. EXTERNAL COMMITTEE REPORTS

- 6.1 Cumberland Public Libraries - No Report**
- 6.2 Cumberland YMCA**
Information item; no direction given or action required.
- 6.3 Cumberland Joint Services Management Authority**
Information item; no direction given or action required.
- 6.4 Northern Region Solid Waste Committee – No Report**
- 6.5 L.A. Animal Shelter – No Report**
- 6.6 Senior Safety – No Report**
- 6.7 Tourism – No Report**

7. ADJOURNMENT

Moved By Councillor Jones
Seconded By Councillor Byrne
To adjourn the meeting at 7:55 p.m.

Motion Carried



Kimberlee Jones
Municipal Clerk



David Kogon, MD
Mayor