

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: April 25, 2022
Time: 6:00 pm
Location: Council Chambers, Town Hall

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

Staff Present Jason MacDonald, Chief Administrative Officer
 Dwayne Pike, Police Chief
 Greg Jones, Director of Fire Services
 Aaron Bourgeois, Director of Operations
 Andrew Fisher, Director of Planning & Strategic Initiatives
 Kim Jones, Director of Corporate Communications and
 Community Well Being / Municipal Clerk
 Tom McCoag, Corporate Communications Officer
 Natalie LeBlanc, Deputy Clerk

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGMENT

Mayor Kogon gave the Territorial Acknowledgement.

3. APPROVAL OF AGENDA/MINUTES

3.1 Approval of the Agenda

Moved By Councillor Emery

Seconded By Councillor Baker

To approve the agenda as circulated.

Motion Carried

3.2 Approval of Minutes

3.2.1 March 29, 2022 Regular Council

Moved By Councillor Landry

Seconded By Councillor Fawthrop

To approve the minutes of the March 29, 2022 regular meeting of Council as circulated.

Motion Carried

4. REQUESTS FOR DECISION

4.1 Appointment of Auditor

Moved By Deputy Mayor Christie

Seconded By Councillor Baker

That Council appoint the firm Jorgensen & Bickerton Chartered Professional Accountants Inc. to be the municipal auditor for the Town of Amherst for the fiscal year ending March 31, 2022 as recommended by the Town of Amherst Audit Committee, and further that Council direct staff to present a procurement document for the 2022-2023 audit services to the Audit Committee for review no later than October 21, 2022 as recommended by the Town of Amherst Audit Committee.

Motion Carried

4.2 Appointment of Members of Council to External Boards, Committees & Commissions Policy 10350-28 Amendment

Moved By Councillor Davidson

Seconded By Councillor Emery

That Council approve the amendments to Policy # 10350-28 Appointment of Members of Council to External Boards, Committees & Commissions to include a clause related to conflict of interest.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 10350-28

PAGE 1 of 6

DEPARTMENT: COUNCIL

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

Minutes reference date: February 22, 2021 February 26, 2018

Short Title

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

Purposes

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

Interpretation

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

Roles and Responsibilities

4.
 - (a) Only Council may appoint Members to external bodies.
 - (b) Any appointment by Council of Members to external bodies shall be made pursuant to section or 9 of this Policy.
5. Council shall only make appointments to external committees after having received and considered the terms of reference from external committee.
6. The Clerk shall keep a list of the appointments of Members to external bodies made by Council.

External Bodies

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

Council Appointments Required by Enactment, By-law or Agreement

8. (1) Council may appoint Members to external bodies
 - (i) in accordance with any enactment of the Government of Canada or Province of Nova Scotia;
 - (ii) in accordance with the By-laws of the Municipality or an agreement to which the Municipality is a party; or
 - (iii) as otherwise directed by Council.
- (2) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix A.
- (3) Council may amend Appendix A to add or remove the name of an external body.

External Bodies by Council Appointment

9. (1) Council may appoint Members to bodies, including external bodies, which in the opinion of Council:
 - (a) are community wide in scope;
 - (b) affect or may affect a municipal interest; or
 - (c) are community organizations with a mandate to provide an alternative service delivery in respect of municipal property on behalf of the Municipality, and to which the Municipality is the primary funder.
- (2) Information or actions from a Committee to be considered by Council will be presented using the "External Committee Report Template" and included in the agenda package for the next regularly scheduled meeting.
- (3) An external body Council considers meets the purpose of subsection 1 of this section shall be named in Appendix B.
- (4) Council may amend Appendix B to add or remove the name of an external body.

External Bodies Without Council Appointment

- 10. (1) A Member who sits on a body that has not been appointed to such body by Council shall advise the Clerk of the name of the body on which he or she sits.
- (2) The Clerk shall retain a list of the names of the bodies provided by the Members pursuant to subsection 1 of this section and the list shall indicate the name of the Member and the name of the body provided.
- (3) The Clerk shall retain the list created pursuant to subsection 2 of this section in the Office of the Municipal Clerk as a public record.
- (4) The Clerk shall provide the list annually to the Members for their review and the Members shall advise the Clerk of any errors or omissions on such list.

Conflict of Interest

- 11. (1) All members of Council are encouraged to consider the Municipal Conflict of Interest Act in all matters that come before them in their duties as a public representative on any group in which they serve in a capacity other than formally appointed by Council.
- (2) If you feel you are in a position where you may be in a direct, indirect or even perceived conflict you should:
 - As soon as practicable after the commencement of the meeting disclose the interest and the general nature thereof; then withdraw from his/her place as a member and
 - In the case of a closed meeting, leave the room in which meeting is held for the duration of the consideration of the matter, and
 - In the case of a meeting that is open to the public, leave his/her seat and take a seat in the public gallery until the matter is concluded.
- (3) When in doubt, Councillors are encouraged to err on the side of caution and declare a conflict.

Appendices

- 12. Any Appendix attached to this Policy shall form part of the Policy.
 - Appendix A – External Bodies to which Members are appointed pursuant to section 9
 - Appendix B - External Bodies to which Members are appointed pursuant to Section 10
 - Appendix C – Definitions

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

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

**Appendix B
External Bodies to which Members
are appointed pursuant to Section 10**

Board, Committee or Commission	Members of Council Appointed	Comments
Municipal Alcohol Project	1 Member appointed	By Request of Organization Council may appoint member
Senior Safety Advisory Committee	1 Member appointed	

Appendix C

Definitions

Indirect Pecuniary Interest

- A member has an indirect pecuniary interest in any matter
 - (a) if the member or the members nominee
 - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its shares to the public,
 - (ii) has a substantial interest in, or is a director or senior officer of, a corporation that offers its shares to the public,
 - or
 - (iii) is a member of a body, whether incorporated or not, that has an interest in any matter in which the council or local board is concerned; or
 - (b) if the member is a partner of or associated in a joint venture with a person, or is in the employ of a person or body, whether incorporated or not, that has an interest in any matter in which the council or local board is concerned.

4.3 Appointment to the Community Liason Committee

Moved By Councillor Baker

Seconded By Councillor Davidson

That Council appoint Lisa Emery as a member to the new Cumberland Central Landfill Community Liaison Committee as recommended by Nova Scotia Environment.

Motion Carried

4.4 Bylaw to Amend the Bylaw Respecting Intrusion, Robbery and Fire Alarm Systems Second Reading

Moved By Councillor Davidson

Seconded By Councillor Fawthrop

That Council approve of second and final reading of the Bylaw to Amend the Bylaw Respecting Intrusion, Robbery and Fire Alarm Systems.

Motion Carried

BYLAW C-11

TOWN OF AMHERST BY-LAW RESPECTING INTRUSION, ROBBERY AND FIRE ALARM SYSTEMS

SHORT TITLE

1. This By-Law may be cited as the "Alarm By-Law".

DEFINITIONS

2. In this By-Law:

- a) "**Alarm Coordinator**" means the person appointed by the treasurer to administer the Alarm By-Law.
- b) "**Alarm System**" – means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act, or a fire detection device which emits a sound or transmits a signal or message when activated but does not include:
 - a) Personal alerting devices
 - b) A device that is installed in a vehicle
 - c) Residential smoke detector
- c) "**Audible Alarm**" – means an alarm system which generates an audible sound on the premises where it is activated;
- d) "**Automatic Calling Device**" – means any device or combination of devices, that will, upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message which is designed to be transmitted over regular telephone lines;
- e) "**False Alarm**" -means a response to an alarm by the Amherst Police Department or Amherst Fire Department resulting from the activation of an alarm system where an emergency situation does not exist;
- f) "**Monitored Alarm System**" – means an alarm system where the signal of an intrusion, the commission of an unlawful act, or the detection of a fire is received by a third party;
- g) "**Town**" – means the town of Amherst;

- h) **"Owner/Lessee"** – includes an occupant, lessee or person having possession or control of the property in question and also includes prima facie the person whose name appears on the assessment role for the Town as the assessed owner;
- i) ~~**"Permittee"** – means the holder of an alarm system permit;~~
- j) **"Personal Alerting Device"** – means any device carried on one's person that when activated is designed to emit a sound or transmit a signal or message;
- k) **"Treasurer"** – means the Treasurer of the Town of Amherst or his **their** designate

PERMIT REQUIRED

3.

- a) ~~No owner/lessee shall install, keep, use, permit or suffer the installation, keeping or use of an alarm system unless there is a valid and subsisting alarm system permit for that system.~~
- b) ~~An applicant for an alarm system permit shall apply to the Treasurer on a form as described in Schedule "A" attached hereto.~~
- c) ~~Alarm system permits shall be issued by the Treasurer.~~
- d) ~~An alarm system permit shall be issued in the name of the owner/lessee of the building or property which the alarm is intended to protect.~~
- e) ~~An alarm system permit is required for each alarm system that is installed in any one location.~~
- f) ~~An alarm system permit may be transferred or assigned a new owner/lessee of the property on submission to the Treasurer of a fully completed permit application form as described in Schedule "A".~~
- g) ~~The permittee shall be responsible for informing the Treasurer or his designate of any and all changes in the information contained in the permit application.~~

AUDIBLE ALARM SYSTEMS

4.

- a) No person shall install, maintain or use an audible alarm that is capable of being sounded outside of the premises continually for a period of greater than fifteen minutes after each separate activation except for an alarm system designed or used to detect heat, smoke or fire.

FALSE ALARMS

5.

- a) No person shall cause, permit suffer or allow false alarms to emanate from a location where an alarm system is installed.
- b) Alarms activated in the following manner are hereby deemed not to be false alarms:
 - a) Where the owner can demonstrate that the alarm was caused by a storm, lightning, earthquake or other violent act of nature; or
 - b) Where the alarm coordinator is satisfied that the occurrence is isolated and due to a mechanical failure, that has since been corrected by a qualified contractor, proof of which has been provided.

AUTOMATIC CALLING DEVICES

6.

- a) No person shall use, maintain or install, or permit the use, maintenance or installation of any calling device which is programmed to transmit a message to any telephone number assigned to the Amherst Police Department, Amherst Fire Department or any dispatch or communication centre responsible for the receiving and dispatching of alarm calls to these agencies unless a contract has been entered into with the Police/Fire Department to provide an alarm monitoring service.

MONITORED ALARM SYSTEMS

7.

- a) When a third party is responsible for monitoring an alarm for intrusions only, the third party shall verify that the alarm activation is not accidental by contacting the premise prior to notifying the appropriate police agency. If a police agency is dispatched prior to verification, there will be no waiver or fee if call is cancelled subsequent to police being dispatched.
- b) Where the original alarm activation signal is received by a third party who then notifies the Amherst Police Department or the Amherst Fire Department of the alarm, the third party shall supply **the required contact information for the Owner/Lessee of the premises or real property the alarm permit number** to the police/fire dispatcher receiving the call.

FEE FOR FALSE ALARMS

8.

- a) On the occurrence of a third and for each subsequent false alarm during any one calendar year, the owner/lessee permittee will be required to pay a fee of \$50.00 for each such occurrence;
- b) Where a fee is charged in accordance with this by-law, the Town shall invoice the owner/lessee permittee of the real property. The fee shall be payable within 14 days.
- c) An invoice issued under this by-law shall be due upon receipt and payable to the town.
- d) All fees collected become the property of the Town.

NOTIFICATION TO OWNERS

9.

- a) Upon the first occurrence of a false alarm, a notice will be provided to the owner/lessee permittee of the subject real property that a false alarm has occurred and advised of the fees to be imposed for more than two (2) false alarms in any one calendar year.
- b) The notice required by this section shall be in writing and delivered by hand or regular mail to the subject property or the owner/lessee in the permit. A notice sent in accordance with this section will be deemed to have been received.

APPLICATION

- 10. This by-law applies to all alarms in use within the Town whether installed before or after the coming of force of this by-law.

PENALTY

11.

- a) A person who contravenes any provision of this by-law shall upon summary conviction be liable to a minimum penalty of \$50.00 and a maximum penalty of \$1,000.00 and in wilful default of payment of the penalty the offender may be imprisoned for a maximum period not exceeding ninety days.
- b) Every day during which a contravention of or failure to comply with this by-law continues is a separate offence.

5. INFORMATION / DISCUSSION ITEMS**5.1 Fraud Prevention**

Chief Pike gave a presentation on Fraud Prevention, included as part of the agenda package. Information item only; no direction given or action required.

6. INTERNAL COMMITTEE REPORTS**6.1 Planning Advisory Committee**

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners

Information item; no direction given or action required.

6.3 Audit Committee

Information item; no direction given or action required.

6.4 Amherst Youth Town Council

Information item included as part of the agenda package; no direction given or action required.

6.5 Accessibility Advisory Committee

Information item; no direction given or action required.

6.6 Inclusion Diversity and Equity Committee

Information item; no direction given or action required.


7. EXTERNAL COMMITTEE REPORTS**7.1 Cumberland Public Libraries**

Information item; no direction given or action required.

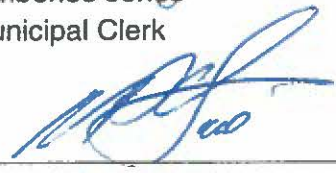
- 7.2 **Cumberland YMCA**
Information item; no direction given or action required.
- 7.3 **Solid Waste Management**
Information item; no direction given or action required.
- 7.4 **L. A. Animal Shelter**
Information item; no direction given or action required.
- 7.5 **Senior Safety - No Report**
- 7.6 **Inter Municipal Tourism - No Report**
- 7.7 **Poverty Reduction**
Information item; no direction given or action required.
- 7.8 **Municipal Alcohol Project - No Report**

8. **ADJOURNMENT**
Moved By Deputy Mayor Christie
Seconded By Councillor Landry
To adjourn the meeting.

Motion Carried



Kimberlee Jones
Municipal Clerk



David Kogon, MD
Mayor