

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: May 24, 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 Fawthrop
 To approve the agenda as circulated.

Motion Carried

3.2 Approval of Minutes

3.2.1 May 3, 2022 Special Council

Moved By Councillor Baker
 Seconded By Councillor Landry
 To approve the minutes of the May 3, 2022 special meeting of
 Council as circulated.

Motion Carried

3.2.2 April 25, 2022 Regular Council

Moved By Deputy Mayor Christie
 Seconded By Councillor Emery
 To approve the minutes of the April 25, 2022 regular meeting of
 Council.

Motion Carried

4. REQUESTS FOR DECISION

4.1 27 West Pleasant Street Development Agreement First Reading

Moved By Deputy Mayor Christie
 Seconded By Councillor Emery
 That Council give First Reading of the development agreement for 27 West
 Pleasant Street to allow a Group Home, and schedule a public hearing for
 June 13, 2022.

Motion Carried

Case No: DA-2022-0X

This Agreement made this _____ Day of _____ 2022.
Between:

MACDONALD PEOPLE RESOURCES LIMITED (owner of property located at 27 West Pleasant Street [PID 25027129 & 25027152], hereinafter called the "Owner"),

of the one part, and

THE TOWN OF AMHERST (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"),

of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP - 13 of the Municipal Planning Strategy of the Town of Amherst, to operate a group home within the single-detached dwelling on property located at 27 West Pleasant Street (PID 25027129 & 25027152).

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 _____th Day of _____ 2022, 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' - Property Identification

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 diagram shown on Schedule B attached.
- 2) That the Owner may operate group home licensed by the Province of Nova Scotia within an existing single-detached dwelling on the Lands.
- 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

In the presence of

THE TOWN OF AMHERST

David Kogon MD
Mayor

Jason MacDonald, MCIP, LPP
Chief Administrative Officer

FOR THE OWNER

Kyla Morris

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the Lands shall be limited to a group home operation or child and youth care program for four (4) children under the care of the Nova Scotia Department of Community Services within an existing single-detached dwelling in the location shown on Schedule 'B'.
- 1.2 A minimum of one (1) parking space shall be provided for each employee on the Lands and shall be generally located on the existing asphalt driveway as shown on Schedule 'B'.
- 1.4 Accessory buildings may be permitted on the Lands in accordance with the *Town of Amherst Land Use Bylaw*.
- 1.5 All areas of the Lands not covered by buildings or driveways generally as shown on Schedule 'B' shall be landscaped.

2.0 GENERAL REQUIREMENTS

- 2.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 2.2 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.3 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.

**4.2 Number of Councillors Review
Moved By Councillor Fawthrop
Seconded By Councillor Baker**

That the intention to maintain status quo with six Councillors elected at large be approved, and this decision be forwarded to the Nova Scotia Utility and Review Board.

Motion Carried

4.3 Bylaw to Amend the Bylaw Respecting the Amherst Board of Police Commissioners

**Moved By Councillor Davidson
Seconded By Deputy Mayor Christie**

That Council approve first reading of the proposed amendment to the Bylaw Respecting the Board of Police Commissioners for the Town of Amherst, and schedule a public hearing prior to second reading.

Motion Carried

Town of Amherst

A BYLAW RESPECTING THE BOARD OF POLICE COMMISSIONERS FOR THE TOWN OF AMHERST

BE IT ENACTED by the Council of the Town of Amherst, under the authority of the Police Act, Chapter 31, ACTS OF NOVA SCOTIA 2004.

Short Title

- 1 This By-Law shall be known as the "Amherst Board of Police Commissioners By-Law".

Definitions

- 2 In this By-Law
- (a) "Board" means the Board of Police Commissioners for the Town of Amherst
- (b) "Council" means the Council for the Town of Amherst.
- (c) "Chief of Police" means the Chief of Police of the Amherst Police Department.
- (d) "Amherst Police Department" means the Chief and members of the municipal police force of the Town of Amherst.
- (e) "Minister" means the Minister of Justice for the Province of Nova Scotia

Board Established

- 3 The Council establishes the Board of Police Commissioners for the Town of Amherst, with membership as follows:

One Year Term	Two community volunteers
Two Year Term	One member of Council
	One Community Volunteer
Three Year Term	Two members of Council
Other	One Ministerial appointment

Membership

4 **The Town of Amherst is an inclusive and equitable organization. We value inclusivity and diversity in all areas of the workplace, including the Amherst Board of Police Commissioners. We encourage membership from members of groups who are typically underrepresented and with historical and/or current barriers to equity.**

- (a) The member of the Board appointed by the Minister shall be appointed pursuant to subsection 44(4)(c) of the Police Act.
- (b) The members of the Board appointed by Council shall be appointed pursuant to subsections 44(4)(a) and (b) of the Police Act.
- (c) Dismissal of members of the Board shall be carried out in accordance with subsection 44(7)(a) with regard to a member appointed by the Minister and subsection 44(7)(b) with regard to members appointed by Council.
- (d) An absence from two consecutive meetings without just cause as determined by the chair and Board members shall be cause for the replacement of a member appointed by Council.
- (e) Where a vacancy occurs on the Board or where a member is unable to carry out his/her duties as a member of the Board by reason of illness or absence, Council shall appoint a replacement as soon as is practicably possible.
- (f) The members of the Board appointed from Council shall serve without remuneration.
- (g) The Board shall, at its first meeting each calendar year or as soon as practicable thereafter, choose its chairperson and vice-chairperson.
- (h) The chairperson shall preside at all meetings of the Board and in his/her absence the vice-chairperson shall preside.
- (i) Should the chair become vacant due to resignation or replacement, an election for the Chair shall be held within 60 days of such vacancy occurring.

Procedure

- 5
- (a) The Board shall conduct its business according to the bylaws, regulations and policies established by Amherst Town Council, the Amherst Board of Police Commissioners, the Police Act and, where applicable the Municipal Government Act.
 - (b) The Board shall hold a meeting at least every three months. The Board may meet in camera at any time on 24 hours notice by the Chairperson or any two members or at any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of the police operations.
 - (c) A majority of the members of the Board shall constitute a quorum.
 - (d) The Chief Administrative Officer of the Town or his appointee, shall be the Secretary to the Board and shall have charge of all minutes, records and accounting procedures to be followed and maintained by the Board.

Chief Officer

- 6
- (a) The Chief of Police shall be appointed by the council, and following a year's period of probation, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, he shall have the right to appeal, within fifteen days of such disciplinary action, to the Chairman of the Nova Scotia Police Commission. The Commission shall conduct a hearing therein and may confirm, overrule, or modify such action and its decision therein, shall be final.
 - (b) The Chief of Police shall advise the Board with respect to the provision of efficient and effective municipal police service delivery. S/he may, in consultation with the Board, undertake in a timely manner research, strategic planning, policy

development and implementation, and the reporting of results in response to inquiries by the Board pertaining to its community governance responsibilities as defined in the Police Act.

- (c) The Chief of Police and/or the Deputy Chief of Police shall whenever requested by the Chairman and where practicable attend meetings of the Board, whether public or in-camera.
- (d) The Chief of Police or his Deputy shall be in charge of the management, direction and control of the day to day operation of the police force, including the enforcement of law and the maintenance of discipline within the force. Should such discipline, in the opinion of the Chief Officer, require that an employee be dismissed, such dismissal shall be by the Board on the recommendation of the Chief Officer.

Board Powers

- 7 (a) The Board shall conduct its responsibilities in accordance with the requirements established by the Police Act,
- (b) The Board shall, each year, submit to the council for its consideration and approval its estimates of all monies required for the year to pay the remuneration of the members of the police force and staff and to pay for the accommodation, arms and equipment and other things for the use and maintenance of the force.
- (c) All collective agreements or other agreements with members of the police force or its bargaining agent shall be contracted in the name of the Town of Amherst, and the Town of Amherst shall be the employer of all members of the police force.
- (d) The Board shall submit all requests for all capital equipment proposed to be purchased to the council, together with the recommendation of the Board for the purchase consideration in accordance with the purchasing policy of the Town of Amherst.
- (e) The Board shall have the jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes, and Town by-laws and ordinances.
- (g) The Board shall further have jurisdiction over all matters relating to the enforcement of provincial statutes having local effect and Town by-laws and ordinances, but Council shall have the right to request the enforcement of such statutes or by-laws as may be required for the proper administration thereof within the Town.
- (h) The Chief of Police or his designate shall give all necessary orders, directions and instructions to the police force and no Board member, other than the Chair or his or her designate except when communicating a decision of the Board, shall issue any order, direction or instruction to any member of the police force relative to his duties as a member of the force.

General

- 8 The Chief Administrative Officer and the Chief of Police shall be members of any committee appointed for the purpose of negotiating a collective agreement with any union representing members of the Town police force.

**4.4 Lord Amherst Drive Renaming
 Moved By Councillor Landry
 Seconded By Councillor Davidson
 That Council approve of the name Ancestral Drive as a replacement for Lord Amherst Drive.**

Moved By Councillor Baker to table the motion. No Secunder.

**Motion Failed
 Original Motion Carried 6-1
 Councillor Baker Nay vote**

- 4.5 Northern Region Solid Waste Agreement
 Moved By Councillor Emery
 Seconded By Deputy Mayor Christie
 That Council approve of the attached Northern Region Intermunicipal Solid Waste Agreement as presented, and further authorize the Mayor and CAO to sign on behalf of the Town.**

Motion Carried

THIS INTER-MUNICIPAL AGREEMENT dated the day of February 14th, 2022,

BETWEEN:

THE MUNICIPALITY OF THE COUNTY OF CUMBERLAND, a Municipal Corporation;	OF THE FIRST PART
- and -	
THE MUNICIPALITY OF COLCHESTER, a Municipal Corporation;	OF THE SECOND PART
- and -	
THE MUNICIPALITY OF EAST HANTS, a Municipal Corporation;	OF THE THIRD PART
- and -	
THE TOWN OF AMHERST;	OF THE FOURTH PART
- and -	
THE TOWN OF OXFORD;	OF THE FIFTH PART
- and -	
THE TOWN OF TRURO;	OF THE SIXTH PART
- and -	
THE TOWN OF STEWACKE	OF THE SEVENTH PART

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

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

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

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

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

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

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

1. Effective Date:

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

2. Representation

- 2.1 The Council for each Municipal Unit shall appoint one elected representative and one alternate to attend meetings of the Northern Region Solid Waste Resource Committee to address solid waste resource issues. The Council representatives shall be the voting members.
- 2.2 In addition to elected representation Staff may attend meetings in an ex officio capacity without voting privileges.

) THE MUNICIPALITY OF EAST
) HANTS
)
) Per.....
) Kim Ramsay, CAO
)
) Per.....
) Eleanor Roulston, Warden

) THE TOWN OF AMHERST
)
) Per.....
) Jason MacDonald, CAO
)
) Per.....
) David Kogon, Mayor

) THE TOWN OF OXFORD
)
) Per.....
) Linda Cloney, Clerk
)
) Per.....
) Gregory Henley, Mayor

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

) THE TOWN OF STEWIACKE
)
) Per.....
) Dale Bogle, CAO
)
) Per.....
) George Lloy, Mayor

4.6 Community Centre Steering Committee

Moved By Councillor Baker

Seconded By Councillor Fawthrop

That Council approve the terms of reference for the establishment of a Community Centre Steering Committee and further appoint Councillor Davidson as a councillor representative, and Councillor Landry as an alternate councillor representative.

Motion Carried

**Community Centre Feasibility Study
Terms of Reference**

Name

This Committee shall be known as the Community Centre Feasibility Study Committee hereinafter called the Committee.

Purpose

The Committee will guide the work of the consultant in the development of the Community Centre Feasibility Study.

The Committee will ensure adherence to the attached scope of work that was in the RFP and the attached work plan provided by the Consultant.

The Committee will ensure that member Councils are kept up to date on the progress of the study.

Membership

The Committee will be comprised of the following:

Town of Amherst Mayor

Town of Amherst Councillor
 Town of Amherst CAO
 Town of Amherst Director of Planning and Strategic Initiatives
 Town of Amherst Facilities Coordinator

Municipality of the County of Cumberland Elected Official
 Municipality of the County of Cumberland Appointed Staff

Other staff may be called upon to attend meetings when their expertise is required.

Guiding Principles

The Committee will adhere to the guiding principles that speak to how this project will proceed and our approach. Council, staff and others involved in this project are expected to base their actions on these principles:

- Treat all groups and individuals with the same **respect** we expect for ourselves.
- Promote **inclusivity** through engagement and equal access to services.
- Leverage the community's strengths through effective **collaboration**.
- Act with **integrity** by exhibiting honesty, transparency and consistency.
- Be **accountable** to our citizens for our decisions and actions.
- Provide services in a socially, environmentally and economically **sustainable way**.
- Seek the best empirical information available to reach **evidence-based decisions**.

Functionality

The Committee will make decisions by consensus where possible.

The Town of Amherst will administer the Committee including:

Hosting of meetings
 Setting of Agenda
 Recording of decisions
 Distribution of information
 Advertising of public events

Each municipality will report back to their respective Councils on the operation of the Committee.

Members of the Committee will promote the study in a positive and supportive manner.

Efforts will be made to schedule meetings at mutually beneficial times. If members cannot attend an alternate can attend in their place.

The Town of Amherst Director of Planning and Strategic Initiatives will be the Municipal Project Lead and primary contact with the Consultant. The Consultant will not take direction from other members of the Committee.

4.7 Asphalt Patching

Moved By Deputy Mayor Christie

Seconded By Councillor Landry

That Council award the Asphalt Patching Tender (RFT-22-06) to the lowest compliant bidder, Costin Paving and Contracting, at their unit prices in the amount of \$292,100 plus non-refundable taxes.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

5.1 NSFM Conference Update - Emery

Information item; no direction given or action required.

5.2 Youth Center Quarterly Report - Landry

Information item; no direction given or action required.

6. INTERNAL COMMITTEE REPORTS

6.1 Planning Advisory Committee - Christie

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners - Davidson

Information item; no direction given or action required.

6.3 Audit Committee

No report.

6.4 Amherst Youth Town Council

No report.

6.5 Accessibility Advisory Committee - Landry

Information item; no direction given or action required.

6.6 Inclusion Diversity and Equity Committee

No report.

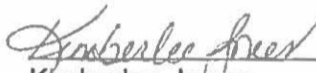
7. EXTERNAL COMMITTEE REPORTS

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


8. ADJOURNMENT

Moved By Councillor Fawthrop
Seconded By Councillor Landry
To adjourn the meeting.

Motion Carried



Kimberlee Jones
Municipal Clerk



David Kogon, MD
Mayor