

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, May 26, 2008 at 7:00 PM**

PRESENT: Mayor Jerry Hallee
Deputy Mayor Terry Rhindress
Councillor Robert Angel
Councillor George Baker
Councillor Ed Chitty
Councillor Dale Fawthrop
Councillor David March
Greg Herrett, CAO
Rebecca Purdy, Executive Assistant

1. O CANADA

2. HEARINGS / PRESENTATIONS

Public Hearing – 9 Hickman Street – Development Agreement

Jason MacDonald, Director of Planning and Development informed council that the proposed development agreement satisfies all relevant policies of the Town's Municipal Planning Strategy and Land Use By-Law. A public participation opportunity was held, during which there was no opposition. No written submissions have been received. There was no one present who wished to speak on the matter. The public hearing concluded

3. CALL TO ORDER

Mayor Hallee called the meeting to order at 7:10 PM

4. ACTION ITEMS

4.1 Additions to Agenda

Moved by Councillor Baker seconded by Councillor Chitty to add the following items to the Agenda: 6.1 Petition – Removal of Barricade on Ottawa Avenue

MOTION CARRIED

4.2 Approval of Agenda

Moved by Councillor Baker seconded by Councillor Chitty to approve the agenda as modified.

MOTION CARRIED

4.3 Approval of Minutes – April 28, 2008 Regular Meeting

Moved by Deputy Mayor Rhindress seconded by Councillor March to approve the minutes of the April 28, 2008 Regular Meeting as distributed.

MOTION CARRIED

4.4 By-Laws / Development Agreements

a) Proposed Heritage By-Law, First Reading

Moved by Councillor Angel seconded by Councillor March that Council approve First Reading of a new Heritage Properties By-Law, A-5.

MOTION CARRIED

DRAFT HERITAGE PROPERTY BY-LAW

- 1.1 This by-law shall be known and may be cited as the "Heritage Property By-law".
- 2.1 In this by-law, "Town Registry of Heritage Property" means a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, S.N.S. 1980, Chapter 8, having all the powers and duties prescribed by the Act or incidental thereto.
- 2.2 In this by-law, "Heritage Advisory Committee" means a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.
- 2.3 In this by-law, "Town Heritage Property" means ~~a Heritage Advisory Committee~~ **Heritage Property** within the meaning of the Heritage Property Act.

- 3.1 There shall be a Town Registry of Heritage Property wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Heritage Property Act or this by-law shall be filed.
- 3.2 The maintenance of the Town Registry of Heritage Property shall be the responsibility of the Clerk.
- 4.1 There shall be a Heritage Advisory Committee which may advise the Town respecting:
 - (a) the inclusion of buildings, streetscapes and areas in the Town Registry of Heritage Property;
 - (b) an application for permission to alter substantially or demolish a Town Heritage Property;
 - (c) building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act;
 - (d) any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.
- ~~4.2 The Heritage Advisory Committee shall be composed of six members, all of whom shall be residents of the Town, appointed by Council annually for a term of one year. Two members of the Committee shall be members of Council; two shall be members of the Amherst Historical Society or individuals who have otherwise demonstrated active concern for the preservation of buildings of historical significance; and two members of the Committee shall be appointed at large.~~
- 4.2 Terms for Committee membership are included in the Heritage Advisory Committee Policy.**
- 4.3 The Heritage Advisory Committee may recommend to Council that a building, streetscape or area may be registered as a Town Heritage Property in the Town Registry of Heritage Property and the prescribed notice of such recommendation shall be served and filed by the Clerk in accordance with the Act; and, in addition to the requirements of the Act, a copy of the notice shall be filed in the Town Registry of Heritage Property.
- 4.4 Notice of a recommendation by the Town Heritage Advisory Committee that a building, streetscape or area be registered as a Town Heritage Property shall be in Form A.
- 5.1 Council may register a building, streetscape or area as a Town Heritage Property in accordance with the provisions of the Act and the registration shall be in Form B.
- 5.2 Notice of such registration shall be sent to each registered owner of the Municipal Heritage Property. One copy of the registration shall be deposited in the Registry of Deeds and one copy of the registration shall be filed in the Town Registry of Heritage Property.
- 6.1 Council may from time to time set out or amend the terms of reference within which the Heritage Advisory Committee shall operate. The council may set out and amend such guidelines as it sees fit for the designation of property as Heritage Property and the Heritage Advisory Committee shall make recommendations in accordance therewith.
- 7.1 The Town of Amherst Heritage Property By-Law A-5 enacted by Council on January 18, 1982 is hereby repealed.

FORM A
NOTICE OF RECOMMENDATION TO REGISTER AS A TOWN HERITAGE PROPERTY

TO:

You are hereby notified that:

- 1. The land and building located at (address location, legal description or other identification of property) has been recommended to be registered in the Town Registry of Heritage Property for the Town of Amherst.
- 2. The reasons for this proposed designation are: (approximate date of erection; type of architecture, typical of an era; part of a streetscape with description of streetscape location; local historical significance; national historical significance.)
- 3. Section 13(4) of the Heritage Property Act prohibits demolition or any substantial
- 4. The effect of recommendation and registration in the Town Heritage Registry described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be taken from the date of registration unless an application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where such application is not approved the owner may make the alterations described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

5. You are hereby notified that the Council will sit to hear any objections regarding the recommendation of the property described in this notice on the ____ day of _____ 20____ at (time), at (place). (This date must be 21 days after service).

Information and particulars concerning the reasons for recommendation are available from the office of the clerk for the Town of Amherst weekdays from _____ a.m. to _____ p.m.

FORM B

(To be filed in the Registry of Deeds for the district in which the property is located in the Town Registry of Heritage Property)

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO:

You are hereby notified that:

1. The land and building located at: (address, local, legal description or other identification of property) has been registered in the Town Registry of Heritage Property by resolution adopted at a meeting of Council the date of _____ 20____.
2. The effect of registration in the Town Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Town and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

DATED this ____ day of _____, 20 ____.

Greg Herrett, C.A.O.
Chief Administrative Officer

(seal)

b) By-Law to Repeal Election Deposit By-Law, First Reading

Moved by Councillor Baker seconded by Deputy Mayor Rhindress that Council give First Reading to a By-Law to Repeal the Election Deposit By-Law.

MOTION CARRIED

BY-LAW TO REPEAL THE BY-LAW RESPECTING DEPOSITS BY CANDIDATES AT AN ELECTION, A-3-A

The Town of Amherst Bylaw Respecting Deposits by Candidates at an Election (A-3) approved by Council on the 18th day of June, 1979 is hereby repealed.

c) Development Agreement – 9 Hickman Street – Second Reading

Moved by Councillor Chitty seconded by Councillor Baker that Council approve Second Reading of a development agreement to permit an existing three-unit apartment building located at 9 Hickman Street to be converted into a five unit apartment building.

MOTION CARRIED

The Development Agreement DA-2008-02 is found in the Minutes of the April 28, 2008 meeting, on page 00508.

4.5 Policies

a) Heritage Advisory Committee Policy

Moved by Councillor March seconded by Councillor Fawthrop that Council adopt the Heritage Advisory Committee Policy as recommended by Administration.

MOTION CARRIED

TITLE: HERITAGE ADVISORY COMMITTEE POLICY**PURPOSE:**

The purpose of this policy is to establish a policy for the governance of the Heritage Advisory Committee in accordance with the Town of Amherst Heritage Properties Bylaw and to carry out the heritage goals, objectives and policies of the Municipal Planning Strategy and Strategic Plan.

BASIS:

The basis for the Committee comes from both the Town's Strategic Plan and Municipal Planning Strategy. The strategic plan states that the Town is committed to preserving our heritage and making heritage awareness a part of our programs. It includes a specific task which states that the Town will, "Develop a Heritage Advisory Committee Policy that addresses the heritage of the Town of Amherst in general, including heritage properties."

Furthermore the Town's Municipal Planning Strategy contains objectives that endeavor to encourage the conservation, retention and improvement of the historically and / or architecturally significant residential and commercial buildings and streetscapes.

ROLE OF COMMITTEE:

The role of a Heritage Advisory Committee is to:

1. Advise Council respecting the registration and / or de-registration of heritage properties under the Heritage Properties Bylaw.
2. Establish and implement a built heritage protection strategy. This strategy will focus on the retention and rehabilitation of the built heritage of Amherst through education, promotion and recognition of the significant built heritage of the Town.
3. Establish and implement a cultural heritage strategy. This strategy will focus on preserving and promoting the cultural heritage of the Town.
4. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.

MEMBERSHIP:

1. The Council shall appoint members of the Heritage Advisory Committee by resolution.
2. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
3. The term for public members shall be three years, and members may be re-appointed to the Committee. Public member's terms shall be by fiscal year, with one member appointed each year.
4. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper.
5. At the beginning of the first meeting of the fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice-chair may be re-elected.

STAFF RESOURCES:

1. The Director of Planning and Development is responsible for all functions of the Committee including:
 - a. Calling meetings;
 - b. Taking minutes;
 - c. Distributing reports and other information as required;
 - d. Notifying and contacting public as required; and
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
2. Where additional information or work is required of staff by the Committee the Director of Planning and Development will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
3. Meetings are to be attended by the Director of Planning and Development or designate as well as an Administrative Assistant. At the discretion of the Director, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer, the Director of Operational Services and the Director of Community and Economic Development.

MEETINGS:

1. Meetings will be scheduled by the Chairperson in consultation with the Director of Planning and Development. Generally meetings will commence at 12:00 noon.
2. All meetings are open to the public unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the Municipal Government Act.

3. Meeting agenda packages are to be delivered to Committee members and the CAO at least 48 hours prior to any scheduled meeting.

b) Unsightly Premises Committee Policy

Moved by Councillor Chitty seconded by Councillor Baker that Council approve amendments to the Dangerous or Unsightly Premises Policy which will require members of the Committee to submit complaint forms for properties they feel should be investigated for compliance with the Policy.

MOTION CARRIED

DANGEROUS & UNSIGHTLY PREMISES COMMITTEE POLICY #66150-01

PURPOSE:

The purpose of this policy to delegate the Town's powers and set priority with regard to Part XV of the Municipal Government Act (Dangerous or Unsightly Premises).

Part XV of the Municipal Government Act states, "Every property in a municipality shall be maintained so as not to be dangerous or unsightly".

POLICY STATEMENT:

Council delegates its authority to issue Dangerous or Unsightly Premises Orders to the Dangerous or Unsightly Premises Administrator, an employee of the municipality designated by the Chief Administrative Officer to be responsible for the Dangerous or Unsightly Premises provisions of the Municipal Government Act or successive legislation. The Administrator will determine whether or not a property is considered dangerous or unsightly in accordance with the definition of such in the Municipal Government Act.

Council delegates its authority under the provisions of the Dangerous or Unsightly Premises contained in the Municipal Government Act to issue an order to demolish a building to the Dangerous or Unsightly Premises Committee.

Council retains its authority under the provisions of the Dangerous or Unsightly Premises provisions contained in the Municipal Government Act to conduct appeal hearings when an appeal is launched against an order issued by the Administrator or Committee.

Council's desire to maintain the appearance of the main thoroughfares throughout the Town of Amherst will be reflected in the administrative procedures associated with this policy.

ROLE OF COMMITTEE:

1. Upon recommendation by the Administrator, the Committee will make a decision on the issuance of an order to demolish a building.
2. ~~Members of the Committee may submit to the Administrator properties they feel should be investigated for compliance with this policy which front on an arterial street as designated in the Municipal Planning Strategy.~~
3. Upon request of the Administrator, the Committee will provide advice on how to proceed in bringing a particular property into compliance with this policy.

MEMBERSHIP:

1. The Council shall appoint members of the Dangerous or Unsightly Premises Committee by resolution.
2. Membership shall include two members of Town Council and three members of the public.
3. The term for members shall be two years, and members may be re-appointed to the Committee.
4. An advertisement for public membership on the Committee shall be placed in the local newspaper.
5. At the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Individuals may be re-elected for consecutive terms.

4.6 Water Operating and Capital Budgets, 2008/2009

a. Operating Budget

Moved by Councillor Fawthrop seconded by that Council approve the 2008/09 Operating Budget of the Amherst Water Utility as submitted, with total revenues projected to be \$1,496,872 and total expenditures projected to be \$1,496,872.

MOTION CARRIED

b. Capital Budget

Moved by Councillor Fawthrop, seconded by Councillor Chitty that Council approve the 2008-2009 Water Capital budget as presented, totaling \$355,000 to be funded as follows:

Water Operating	\$ 25,000
Transfers from reserves	150,000
Water Capital (depreciation) fund	180,000
TOTAL	\$355,000

MOTION CARRIED

Moved by Councillor Fawthrop, seconded by Deputy Mayor Rhindress that Council approve in principle, the following Water Capital budget:

Fiscal Year	Total Amount
2009/10	\$540,000
2010/11	\$393,000
2011/12	\$409,000
2012/13	\$ 77,000

MOTION CARRIED

To be clear, this motion contemplates the approval of the amounts for the years 2009-2010 to 2012 -2013 for planning purposes only. This is not the authority to spend, nor is it necessarily the final and complete listing.

4.7 Grants to Organizations

Moved by Deputy Mayor Rhindress, seconded by Councillor Angel that Council approve the following schedule of grants to organizations, and the Treasurer is directed to credit or disburse such funds to the organizations as indicated:

Cumberland County Transition House	\$10,000
Cumberland County Museum and Archives	4,000
Amherst Food Assistance Network	2,000
Tantramar Theatre Society	1,000
Showcase Productions Society	1,000
Lillian Albion Cumberland County Animal Shelter	1,500
Amherst Assoc. for Healthy Adolescent Sexuality	1,000
Maggie’s Place	1,000
Fundy Soccer Association	1,300
Amherst Little League Baseball Association	500
TOTAL	\$23,400

MOTION CARRIED

4.8 Tenders

a) Water Main Replacements

Moved by Councillor Angel, seconded by Councillor Fawthrop that Council approve the tender submitted by Beale & Inch Construction in the amount of \$245,800.00 + HST to replace the water mains and install new customer services on Douglas Avenue, Chignecto and Stanley Streets.

MOTION CARRIED

b) Sewer Main Cleaning

Moved by Councillor Angel,seconded by Deputy Mayor Rhindress that Council accept the tender from Industrial Hydrovac at their low tender unit prices of \$138.00 /hr for sewer main cleaning and \$130.00 /hr for sewer video inspection.

MOTION CARRIED

c) Gravel Products

Moved by Councillor Angel, seconded by Councillor Baker that Council accept the tender from Robert Blair to supply gravel products at \$13.50 /tonne for Type 1 Gravel and Type 1S Gravel, \$14.60/tonne for Washed Clear Stone, and \$13.20/tonne for Sand.

MOTION CARRIED

4.9 Aboiteau Relocation – Easements with Province & Amherst Sod Limiteda. Province of Nova Scotia Easement Agreement

Moved by Councillor March, seconded by Councillor Chitty that Council approve the terms of the lease agreements with The Province of Nova Scotia to grant an easement to the Town for the construction and maintenance of the Aboiteau force main across lands owned by the Province, and authorize the Mayor and CAO to sign the lease documents.

MOTION CARRIED

b. Amherst Sod Limited

Moved by Councillor March seconded by Councillor Baker that Council approve the terms of the lease agreements with Amherst Sod Limited to grant an easement to the Town for the construction and maintenance of the Aboiteau force main across lands owned by Amherst Sod, and authorize the Mayor and CAO to sign the lease documents.

MOTION CARRIED

4.10 North Tyndal Wilderness Area Designation

Moved by Councillor Fawthrop, seconded by Councillor Chitty that Council approve the designation of six Town owned properties within the North Tyndal Well Field water supply area as Protected Wilderness Area, under the Wilderness Areas Protection Act, S.N.S. 1988, C. 27, and that a letter be sent to the Minister of the Environment to advise of this designation.

MOTION CARRIED

4.11 Resolution re Use of Provincial Voters List for Municipal Election

Moved by Councillor Baker, seconded by Councillor Chitty Council approve the following resolution to accept the use of the Provincial Permanent List/Registry of Electors as the basis for the Preliminary List of Electors for the upcoming Municipal Elections to be held October 18, 2008;

WHEREAS the Municipal Elections Act (Sec.30-1) currently gives three options for the preparation of the preliminary list of electors; enumeration, use of a list of electors used in the most recent federal or provincial election, or in an election held pursuant to the Act, or use of any permanent register of electors established and maintained for use in a federal or provincial election, as the basis for the preliminary list of electors for all or part of the municipality; and

WHEREAS the Provincial Government now maintains and updates a permanent Registry of Voters;

THEREFORE BE IT RESOLVED that the Town of Amherst will use the Provincial Permanent Register of Electors to prepare the Preliminary List of Electors.

MOTION CARRIED

4.12 Building Inspector Appointments

Moved by Councillor Rhindress, seconded by Councillor March that Council appoint Town of Springhill Building Inspectors Pat Boyce and Steve Varner, as well as Municipality of the County of Cumberland Building Inspectors Monty Maddison, Tom Trenholm and Brian Wood as Building Inspectors for the Town of Amherst.

MOTION CARRIED

4.13 Citizen Appointee to CREDA Board of Directors

Moved by Councillor Fawthrop, seconded by Councillor Chitty that Council appoint Milu Rodrigues as the Town of Amherst Citizen At Large appointee to the CREDA Board of Directors, effective June 1, 2008.

MOTION CARRIED

Council directed that letters of appreciation be sent to the citizens who submitted their names and invite them to keep their names on file for future committee appointments, and that a letter be written to Aubrey Chapman to thank him for his years of service.

4.14 Stadium Canteen Concession

Councillor Baker excused himself from the Council table for discussion of this agenda item, so as not to be in conflict.

Moved by Councillor March, seconded by that the proposal from George Baker be accepted for the operation of the Stadium Canteen and Robb Ball Park Concessions.

**MOTION CARRIED 5-1
NAY: Deputy Mayor Rhindress**

On the question, Councillor Chitty asked if the Town had received a legal opinion; The CAO read the following memo which was received from Doug Shatford on the matter:

To: Roger McIsaac
From: Doug Shatford
RE: Statutory or regulatory prohibitions or limitations are there for a Town Councilor to enter into a contract with the Town for services to be offered in relation to concessions at the arena
Date: May 23, 2008

There are no specific prohibitions in the MGA or similar legislation saving the The Municipal Conflict of Interest Act. This outlines the process that a Town Councilor must comply with when they have a pecuniary interest, or they seek to have a pecuniary interest, in any matter which is a subject matter for consideration at a meeting.

The Town Councilor must:

- (a) *disclose the interest and nature thereof as soon as possible after the commencement of the meeting;*
- (b) *withdraw from his position as a member by leaving the room if it is a closed meeting or if the meeting is open by leaving the room or seating him or herself with the general public for the duration of the consideration of the matter;*
- (c) *refrain from taking any part in the consideration or discussion of the matter and from voting on any question relating to the matter; and*
- (d) *refrain from attempting in any way to influence the decision.*

The conflict of interest disclosed must be recorded in the minutes of the meeting.

Strict compliance with this provision will ensure that all disclosure issues are complied with provided however that an individual seeking to disturb the decision of Council could allege bias. It is my opinion that an allegation of bias would not be sustained in Court if the procedure outlined above is otherwise complied with and the obligations of the Town in relation to a fair tendering process are satisfied.

Council directed that a letter be written to the other proponent thanking him for his submission

5. DISCUSSION ITEMS

5.1 MD Canada Letter to Amherst Fire Fighters Association

Councillor Chitty read the following letter directed to the Amherst Fire Fighters Association from MD Canada:

Canadian fire fighters have played an integral role for Muscular dystrophy Canada since 1954, when a group of parents with children who were affected by MD approached a fire department and requested assistance in raising funds. With the fire fighters leading the way, Muscular dystrophy Canada conducted the first residential canvass in Toronto, and raised more than \$200,000 for research. We re so proud that the tradition of fire fighters raising funds for Muscular Dystrophy Canada continues today.

In the Atlantic Region alone, 120 fire departments and associations raised \$321,000 for MD Canada. These funds are used to assist our families with funding to purchase essential mobility equipment (wheelchairs, leg braces, hospital beds, etc.), disorder information / education, advocacy and support.

On behalf of Muscular Dystrophy Canada, I would like to thank the Amherst Fire Fighters for your generous contribution of \$21,620 raised from April 2007 to March 2008. I am pleased to enclose a disk for your 5-year plaque to show our appreciation for your efforts.

We thank you for being our heroes every day, and for making a difference in the lives of people with neuromuscular disorders. I look forward to your continued support in 2008/09.

*With sincere thanks,
Shelley McWilliams
District Coordinator – Atlantic Region*

6. ADDITIONAL ITEMS

6.1 Petition – Ottawa Avenue

The CAO informed Council that a petition has been submitted from citizens in the area of Ottawa Avenue.

Moved by Councillor March, seconded by Councillor Chitty that Council accept the petition to remove the barricades on Ottawa Avenue, and that staff be directed to investigate this request.

MOTION CARRIED

7. INFORMATION ITEMS

7.1 Community and Economic Development Department Monthly Report

Moved by Councillor Baker, seconded by Councillor Chitty that Council accept the following report from the Community and Economic Development Department:

MOTION CARRIED

Facility Operations

The mowing schedule has commenced and students have been hired to work with the parks crews once again. We are following the priority areas that were highlighted in policy last spring and this appears to be addressing past problem areas. Staff is working hard to get flower beds planted and work on the second phase of the Rotary Centennial Park is now underway. Over the coming months we will be re-coating the metal exterior of the Angus Building, Panting the front and repairing the fencing. We are taking bookings for Robb's Ball Field and other athletic facilities within the Town. Any groups wanting to book this or any of our facilities should contact Kim Jones at 667-6523.

2008 Fishing Derby

The annual fishing derby was held at the Pumping Station on Friday, May 23rd. Once again it was deemed to be successful with good participation by children of all ages. We would like to again thank our sponsor, the Amherst Canadian Tire Store along with the Department of Agriculture and Fisheries who stock the fish and the Amherst Skating Club for providing outside canteen services.

Programs

Summer program staff is now in place and a schedule of youth and senior programs for the summer months is now being prepared. Playground staff will be monitoring Rotary McDonalds Park, Lions Park and Jerry's Park during July and August. For information on summer programs please contact Dwight Jones at 667-6506, call our information line at 667-9494 or go on our web site at www.amherstns.com.

Community Fair

In attempt to respond to inquiries this department will facilitate a Community Fair showcasing the strength of our various agencies, not for profit groups and volunteer organizations, on Saturday, May 31, 2008 from 10 am to 3pm; at the Amherst Stadium.

The purpose of this event is to bring together community service clubs and organizations within Amherst, so the general public can learn about; their mandates and how they are working to improve the quality of life in Amherst. In addition a number of Provincial organizations will be invited to participate.

Members of the community are encouraged to come out and view what activities and services are offered in our community. For further information, please call our Community and Economic Development Information Line at 667-9494.

Quebec 400 – Ring out Together

On July 3, 2008 at 11am Eastern (12noon Atlantic), a Canada wide event, "Ring out Together" will take place to celebrate the 400th anniversary of the founding of Quebec City. This is an event being facilitated by the Quebec 400 committee and the Town of Amherst has been personally asked to participate by registering and encouraging institutions in the community to register also and to ring out their bells at 12 noon on July 3rd in celebration. Any organizations who wish to register can do so by contacting our programs office at 667-6506.

Terry Fox Run

We have received a request for financial assistance from the Terry Fox Committee for the use of 1 or 2 staff and a vehicle to assist in the setting up the sites for the Grandparents and Family Walk. As we did last year, staff from public works will provide this support with costs being addressed und current operational budgets.

Council expressed concern over the scheduling of the Community Fair during the time of the FCM, when the majority of council members will be out of town.

7.2 Corporate Services Department Monthly Report

Moved by Councillor March, seconded by Councillor Baker that Council accept the following report from the Corporate Services Department:

MOTION CARRIED

MONTHLY EXPENDITURES

Expenditures during the month of April 2008 totaled \$871,695 compared to \$891,596 for the same month last year.

Cost centers	April 2008	April 2007	Variance
***** Corporate Services	225,367	223,708	1,659
***** Amherst Police Department	183,915	184,938	1,023-
***** Amherst Fire Department	97,871	108,752	10,881-
***** Operational Services	179,374	195,383	16,009-
***** Planning Department	19,182	23,255	4,073-
***** Community & Economic D	62,177	77,883	15,706-
***** Water	103,809	77,677	26,132
Total	871,695	891,596	19,901-

OUTSTANDING ACCOUNTS RECEIVABLE

	April-08			April-07		
	Current	Prior	Total	Current	Prior	Total
Taxes	4,988,388	542,287	5,530,675	5,013,693	730,581	5,744,274
Sewer Taxes	180,921	24,350	205,270	186,863	35,470	222,333
Water Taxes	254,973	27,763	282,736	258,338	57,830	316,168
Other	38,101	36,968	75,069	29,626	0	29,626
	5,462,383	631,368	6,093,750	5,488,520	823,881	6,312,401

YEARLY OPERATING STATEMENT

As of April 30, 2008 we are one month into our fiscal year. Our total revenue to date is \$5,360,181 compared to the budgeted amount of \$5,344,553 a small difference of \$15,627 over budget. Our total expenditures to date are \$767,887 compared to the budgeted amount of \$945,529 a difference of \$177,642 under budget. All departments are under budget.

Yearly Operating Statement April 1 – April 30, 2008

	YTD	Budget	Variance	%
Corporate Services				
Revenue	\$1,749,427	\$1,746,509	\$2,918	100.20%
Expenditure	225,367	245,979	-20,612	91.60%
Net Contribution	1,524,060	1,500,530	23,530	
Police Department				
Revenue	\$1,081,395	\$1,077,553	\$3,842	100.36%
Expenditure	183,915	203,703	-19,788	90.29%
Net Contribution	1,265,310	1,281,256	-15,946	
Fire Department				
Revenue	\$546,986	\$546,750	\$236	100.04%
Expenditure	97,871	114,788	-16,917	85.26%
Net Contribution	644,857	661,538	-16,681	
Operational Services				
Revenue	\$1,285,950	\$1,282,780	\$3,170	100.25%
Expenditure	179,374	284,496	-105,122	63.05%
Net Contribution	1,465,324	1,567,276	-101,952	
Planning & Development				
Revenue	\$105,934	\$104,129	\$1,805	101.73%
Expenditure	19,182	25,464	-6,282	75.33%
Net Contribution	125,116	129,593	-4,477	
Community & Economic Development				
Revenue	\$590,489	\$586,833	\$3,656	100.62%
Expenditure	62,178	71,099	-8,921	87.45%
Net Contribution	652,667	657,932	-5,265	
Grand Totals				
Revenue	\$5,360,181	\$5,344,553	\$15,627	0.29%
Expenditure	767,887	945,529	-177,592	18.79%
Net Contribution	4,592,293	4,399,024	-193,269	

CORPORATE SERVICES DEPARTMENTAL UPDATE

The front counter at Town Hall was busy throughout the month of May as citizens were paying their interim tax billings and water/sewer billings prior to the due date of May 31, 2008. Corporate Services has hired a summer student, Brock Jackson, who is assisting with front desk coverage and financial recording.

Councillor Chitty advised that, as concern was expressed regarding the water/sewer and tax billings having the same due date, that in future years the due date of the water/sewer bills will be delayed for a month.

7.3 Fire Department Monthly Report

Moved by Councillor Chitty, seconded by Councillor Fawthrop that Council accept the following monthly report from the Amherst Fire Department:

ALARM RESPONSES:

During the reporting period from April 14/08 – May 12/08, our Fire Department responded to the following calls in the Town of Amherst: 9 wild land fires (grass and brush), 1 Vehicle fire, 1 Motor vehicle accident, 2 Structure fire, 5 Monitored alarm calls, 2 Chimney fires, 1 Medical assist, 1 complaint of a possible natural gas leak, and 1 Oil appliance malfunction, for a total of 23 calls. During the same reporting period we responded to 4 calls to the County coverage area consisting of 1 medical assist and 3 wild land fires.

TRAINING & Department Activities:

Our fire department was very busy this past month with our regular training. We had a mock exercise that dealt with a hazmat incident this took place at the fire station and utilized all of our equipment and we also had an exercise at the Town works garage carpenter shop, where we practiced apparatus deployment, search and rescue techniques, incident command, ventilation and ladder placement. These exercises involve all of our firefighters and help maintain their skills level.

Two of our firefighters, Greg Jones and Frank Wilson attended training in Bible Hill on the evening of May 05/08. This training was provided to members from all of the Hazmat teams in the province who specialize in researching data necessary at all hazmat incidents. The training given to them was on the use of the newest piece of equipment that analyzes unknown substances.

FIRE PREVENTION and EMO:

The Home Show that took place at the Amherst Stadium on May 2, 3, & 4 was deemed a success by our fire department. The flow of people stopping at the Town of Amherst booth was steady for the most part and a large amount of fire prevention information was handed out. We also had a great deal of material that dealt with emergency preparedness available to the public but it was disappointing to see that very little was picked up by the public, in light of that we are planning a mail out to each household in the very near future.

STAFFING UPDATE:

We would like to congratulate and welcome Marc Buske and Raymond MacDonald as our newest full time staff members of the fire department. They were successful with their applications for the vacant positions left by the passing of George Black and the retirement of Allison Landry. Both Marc and Raymond have been working as casuals for the fire department for a number of years and are trained and knowledgeable firefighters.

7.4 Operational Services Department Monthly Report

Moved by Councillor Angel, seconded by Deputy Mayor Rhindress that Council accept the following monthly report from the Operational Services Department:

MOTION CARRIED

The hot asphalt patching program began the second week in May. We have now patched most utility cuts and will now move on to the streets in order of highest traffic. It is our goal to have curb repairs and street patching completed by the end of June.

Meetings have taken place with Heritage Gas and the gas cuts on Church, Albion and South Albion Streets have been permanently repaired. Heritage is preparing for new service installations on those portions of South Albion Street now under reconstruction.

Two employees attended a Math for Operators upgrading course hosted by the Atlantic Canada Water Works Association in Moncton, while the Public Works Foreman attended the annual Maritime Province Water and Wastewater Association Convention and Trade Show in Halifax.

On May 13 the 60hp pump at well P-4 failed at the North Tyndal Wellfield. An electrician determined that the electrical motor was burned out. This pump was removed on Tuesday, May 20 and a new motor will be installed.

The final work on the Eddy Street Lift Station is nearing completion. Nova Scotia Power has recently installed a new pole on the site which is required to complete the project. Basteck Construction has installed the lift station control panel and are preparing the station for start-up, following which a final inspection by Nova Scotia Power and SCADA programming will be completed.

The Willow Street Reservoir project is now approximately 99% complete. We have some concrete and site reinstatement work yet to be completed by the contractor Bowers' Construction. Town crews will flush the reservoir lane feed lines, following which 100% of the water from the wellfield will flow through the reservoir, thus eliminating stale water and chlorine spikes from our supply.

The Aboiteau Lift Station project is proceeding on schedule. Department of Agriculture are preparing for the installation of the new 400mm forcemain pipe. We have reviewed the final draft plans from Dillon Consulting and plan on finalizing drawings to go to tender by May 27, 2008 with a June 13, 2008 close date. Work should commence on the new lift station sometime in July.

The south Albion Street reconstruction project was awarded to Bowers' Construction from Sackville, NB. They have been getting materials and equipment in place and began the actual sanitary sewer main replacement from Robert Angus Drive working toward Costin Drive today. This portion of the work will take approximately 4 weeks, after which they will begin the storm sewer replacement.

This year's capital paving tender was awarded to Costin Paving. They have completed the milling of South Albion Street from Robert Angus Drive past Lord Amherst Drive and from Costin Drive to Poplar Street. These sections will now be prepared with glass grid reinforcing and have the base coat of asphalt installed by the end of June.

7.5 Planning & Development Department Monthly Report

Moved by Deputy Mayor Rhindress, seconded by Councillor Baker that Council accept the following monthly report from the Planning & Development Department:

MOTION CARRIED

Building Activity

As of April 30, 2008 the total value of building permits issued in the Town was **\$685,600**. Two single detached dwellings were constructed in the Town this month, along with a number of minor renovations.

Dangerous and Unsightly Premises

There were 14 unresolved complaints carried over from 2007; 8 of these have been resolved and 6 are pending. So far this year we have received 24 complaints. The Administrator is actively working to bring these properties into compliance.

Variance Updates

Three variances were issued in the month of April:

1. Variance 2008-1 - 167 Willow Street. To permit a carport 0.6 metres from the side property line instead of the required 1 metre.
2. Variance 2008-2 - 247 E. Victoria Street. To permit a new dwelling 3.96 metres from the front property line instead of the required 6 metres.
3. Variance 2008-3 - 11 Newton Avenue. To permit a garage 5.56 metres high instead of the required maximum of 5 metres.

Staffing

Our building inspector, Monty Maddison, has resigned his position effective May 16, 2008. We wish Monty well in all his future endeavors. A competition has been commenced in order to fill this vacant position. During the time that we are without a full time building inspector, staff have negotiated with both the Town of Springhill and the County of Cumberland to temporarily provide this service.

155 East Victoria Street

As you are all aware, Council's decision to approve a development agreement for a condominium building at 155 East Victoria Street has been appealed to the Nova Scotia Utility and Review Board. The hearing is expected to be held during the last week of June. Staff are working with Brian Creighton and the developer to prepare the Town's defence.

7.6 Police Department Monthly Report

Moved by Councillor Fawthrop, seconded by Councillor Chitty that the following monthly report from the Amherst Police Department be accepted:

MOTION CARRIED

Personnel

Cst. Anika Becker and Cst. Kelley Caissie resigned their full time police officer positions in April. Both officers have accepted positions with Rothesay Regional Police Service. Cst. Dwayne Pike was removed from the Major Crime Unit and placed on a Platoon on a temporary basis until some vacancies have been filled. A recent competition identified Mark McNair of Miramichi as a successful candidate for the position of full time police officer. Cst. McNair is expected to begin his duties at our department by the middle of June.

Training

Cst. Chris Jobe attended Datamaster training at the Atlantic Police Academy from April 14 - 18. D/Chief Naylor received EMO Command Centre training from April 15 - 17 the at the Wandlyn Inn in Amherst. S/Sgt. White, Sgt. Blakeney, Cst. Hunter and Cst. Pike attended a Proceeds of Crime Seminar on April 16th at the Amherst RCMP detachment. Cst. Smith attended the N.S. Department of Justice "Youth Resource Officer" training from April 28 - 29 in Halifax. Cst. Smith attended the SADD (Students Against Drunk Drivers) Conference along with ARHS students from May 8 - 11 in Fredericton.

NSCPA Spring Conference

Chief Rushton attended the Spring Conference of the Nova Scotia Chiefs of Police Association in Summerside on April 24th and 25th.

Street Crime Unit (SCU)

The SCU was involved in several initiatives. There are various ongoing investigations and operations however these are few that we can report on.

Operation Stay At Home

There are many people in the community who have had curfews, house arrest as part of their sentence. The SCU team attended at the residences of persons with these restrictions to see if they were abiding by the conditions of their court order. In the past month a total of 56 checks were made resulting in 16 persons being charged for violating the conditions of their court order. These checks were completed at various times throughout the month. In the latter part of the month we saw an increase in compliance. Some of the people being checked at the later dates told the SCU members they had heard about the earlier checks. This is the first time for these house checks and they were made possible by having the availability of the SCU.

On April 18th, a search warrant was executed at an Amherst residence. As a result an adult male has been charged with Cultivation of Marihuana and Possession for the Purposes of Trafficking. Approx. 15 marihuana plants and 3/4 lb. of marihuana were seized.

On April 29th a search warrant was executed at an Amherst residence. One case of tobacco containing 38 bags was seized. This is equal to 7,600 cigarettes. Charges resulted under Revenue Act (Prov) and Excise Act (Fed) against an adult male.

On April 22nd members of the SCU and the Cumberland RCMP arrested two Amherst residents for possession of illegal tobacco. The arrests were made in the RCMP jurisdiction and the charges are being laid by the Cumberland RCMP detachment. A total of 6 charges have been laid under the Revenue Act and Excise Act against the two individuals.

Subsequent to the efforts of our SCU and the RCMP team involved in this operation, a search was conducted at a N.B. residence. 523 marihuana plants and a significant amount of tobacco was seized. Charges have been laid by the N.B. RCMP in relation to that seizure. SCU members have also been utilized to address the problems with disturbances, fights, liquor offences during Friday and Saturday nights. SCU and extra uniformed officers worked on some Friday and Saturday nights. The extra officers were used for a combination of surveillance and high visibility. Surveillance was conducted on locations linked to previous incidents of disturbances and assaults. As a result, several people were arrested and held overnight for intoxication, and several charges were laid for Illegal Possession of Liquor (drinking in public, possession of open liquor in public). There were no disturbances or fights on the nights when the extra officers were on duty.

Relay for Life

The Canadian Cancer Society's annual "Relay for Life" event will be held on June 6th 2008. Members of the Amherst Police Department will again this year be patrolling throughout the event to assist in providing participants with safety and security, and to escort organizers to financial institutions with deposits during the event.

Road Safety Week – May 13 – 19/08

Members participated in the annual Road Safety Week by conducting checkpoints, focused this year on seatbelt use and impaired driving. Checkpoints were conducted with CN Police and the RCMP. A number of verbal and written warnings were issued during the week. Well over 1000 vehicles have been checked during this initiative.

Police Week – May 12 – 16/08

An information booth was held at Wal Mart and staffed by Community Officer Cst. Smith, along with personnel from the Insurance Bureau of Canada. The focus of the booth was to provide information on insurance crime and how it continues to be a destructive and costly offence. Insurance fraud and auto theft cost insurers and policyholders billions of dollars each year. Auto theft alone costs insurers and policyholders more than \$600 million per year, and once related costs for health care, police, emergency services and the courts are factored in, the annual cost of auto theft to Canadians amounts to well over \$1 billion. IBC is advocating for:

- changes to the Criminal Code and Youth Criminal Justice Act to deter potential and re-offending auto thieves;
- an increased presence of law enforcement at all major Canadian ports to increase the recovery of stolen vehicles;
- a government commitment to address organized insurance crime through legislative changes and resource allocation, which may range from dedicated prosecutors to a comprehensive office of insurance crime.

8. ADJOURNMENT

On motion by the meeting adjourned at 8:30 PM

APPROVED BY:

Gregory D. Herrett, CA
Chief Administrative Officer

Jerry Hallee
Mayor

Amherst Town Council Meeting
Monday, May 26, 2008 at 7:00 PM

AGENDA

1.	O'CANADA			
2.	HEARINGS/PRESENTATIONS - Public Hearing – 9 Hickman Street - Development Agreement			
3.	CALL TO ORDER			
4.	ACTION ITEMS	RFD	Presenter	Page
4.1	Additions to Agenda	--		
4.2	Approval of Agenda	--	Baker	
4.3	Approval of Minutes – April 28, 2008 Regular Meeting		Rhindress	2
4.4	By-Laws / Development Agreements			
	a) Proposed Heritage By-Law, 1 st Reading	2008012	Angel	11
	b) By-Law to Repeal Election Deposit By-Law – 1 st Reading	2008057	Baker	17
	c) Development Agreement – 9 Hickman St – 2 nd Reading	2008049	Chitty	22
4.5	Policies			
	a) Heritage Advisory Committee Policy	2008002	March	27
	b) Unsightly Premises Committee Policy	2008048	Chitty	31
4.6	Water Operating and Capital Budgets, 2008/2009	2008059	Fawthrop	35
4.7	Grants to Organizations	2008052	Rhindress	39
4.8	Tenders			
	a) Water Main Replacements	2008053	Angel	43
	b) Sewer Main Cleaning	2008054	Angel	46
	c) Gravel Products	2008058	Angel	48
4.9	Aboiteau Relocation – Easements with Province & Amherst Sod	2008055 2008056	March	51
4.10	North Tyndal Wilderness Area Designation	2008041	Fawthrop	62
4.11	Resolution re Use of Provincial Voters List for Municipal Election	2008050	Baker	71
4.12	Building Inspector Appointments	2008060	Rhindress	74
4.13	Citizen Appointee to CREDA Board of Directors		Fawthrop	
4.14	Stadium Canteen Concession		March	
5.	DISCUSSION ITEMS			
5.1	MD Canada Letter to Amherst Fire Fighters Association		Chitty	78
6.	ADDITIONAL ITEMS			
6.1	Petition – Ottawa Avenue			
7.	INFORMATION ITEMS			
7.1	Community & Economic Development		Baker	79
7.2	Corporate Services		March	80
7.3	Fire		Chitty	82
7.4	Operational Services		Angel	83
7.5	Planning & Development		Rhindress	84
7.6	Police		Fawthrop	85
8.	ADJOURNMENT			