

## Regular Council Meeting Minutes

**Date of Meeting:** Monday, May 25, 2015  
**Location:** Council Chambers, Town Hall  
**Members Present:** Deputy Mayor George Baker  
 Councillor Frank Balcom  
 Councillor Robert Bird  
 Councillor Lisa Emery  
 Councillor David March  
 Councillor Terry Rhindress  
**Regrets:** Mayor Robert Small  
**Staff Present:** Greg Herrett, CAO  
 Roger MacIsaac, Director CED  
 Ian Naylor, Police Chief  
 Jason MacDonald, Deputy CAO Operations  
 Vince Arbing, Treasurer  
 Bill Schurman, Director Recreation  
 Rebecca Purdy, Executive Assistant

### 1. CALL TO ORDER

In Mayor Small's absence, Deputy Mayor Baker chaired the meeting. The call to order was at 7:00 PM.

#### 1.1. Introduction of Youth Council Member

Councillor Balcom introduced Amherst Youth Town Councillor, Olivia Scott and welcomed her to the meeting.

### 2. O'CANADA

### 3. APPROVAL OF AGENDA/MINUTES

#### 3.1. Approval of the Agenda

**Moved By:** Councillor Terry Rhindress  
**Seconded By:** Councillor David March  
 To approve the agenda

**Motion Carried**

#### 3.2. Approval of Minutes

**Moved By:** Councillor Terry Rhindress  
**Seconded By:** Councillor Frank Balcom  
 To approve the minutes of the April 27, 2015 regular meeting and the May 21, 2015 special meeting.

**Motion Carried**

### 4. REQUESTS FOR DECISION

#### 4.1. Town Clerk's Pension Bylaw - Repeal - 2nd Reading

**Moved By:** Councillor Lisa Emery  
**Seconded By:** Councillor David March  
 To approve second reading of the Bylaw to Repeal the Town Clerk's Pension Bylaw, B-5

**Motion Carried**

#### Bylaw to Repeal the Town Clerk's Pension Bylaw

1. This is a by-law to repeal Town Clerk's Pension Bylaw, B-5.
2. The "Town Clerk's Pension Bylaw" approved by Council on the 21<sup>st</sup> day of January, 1985, is hereby repealed.

**4.2. Parking Bylaw - Repeal - 2nd Reading****Moved By: Councillor Robert Bird****Seconded By: Councillor Lisa Emery****To approve second reading of the Bylaw to Repeal the Town of Amherst  
Parking Bylaw, C-5****Motion Carried****Bylaw to Repeal the Parking Bylaw**

1. This is a by-law to repeal Town of Amherst Parking Bylaw, C-5.
2. The "Town of Amherst Parking Bylaw" approved by Council on the 21st day of July, 1975 and amended on the 21st day of June, 1976, the 16th day of September 1985, the 21st day of April, 1986, and the 18th day of April 1994, is hereby repealed.

**4.3. Firearms and Rifles Bylaw - Repeal & Replace - 1st Reading****Moved By: Councillor Frank Balcom****Seconded By: Councillor David March****To approve first reading of a new Discharge of Firearms Bylaw, C-2, which  
repeals and replaces the Town of Amherst Firearms and Air Rifles Bylaw  
approved on September 16, 1985.****Motion Carried****Discharge of Firearms Bylaw, C-2**

1. This by-law is entitled the "Discharge of Firearms By-law".
2. Definitions  
In this by-law:
  - (1) "firearm" means a gun, rifle, or any barrel or device from which any shot, bullet or other projectile maybe discharged and includes anything that has been adapted for use as a firearm but does not include water guns or foam based weaponry (Nerf) designed to be played with by children;
  - (2) "owner" has the same meaning as in the Municipal Government Act;
  - (3) "public place" means any place to which the public have access as of right or by invitation, express or implied;
  - (4) "Town" means the Town of Amherst;
3. No Discharge of Firearms  
Except as authorized in this bylaw, no person shall fire or discharge any firearm in the Town of Amherst.
4. Exceptions  
Section 3 does not apply to:
  - (1) Any peace officer or licensed armed guard who discharges a firearm in the performance of duty;
  - (2) The use of CO2 powered paint marking devices, provided that:
    - a. Such devices shall not be discharged at or near persons who have not consented to participate in a game or recreational activity involving firing of CO2 powered paint marking devices; and
    - b. The owner of land upon which such devices have been discharged has consented to the discharge of such devices on his or her property.
  - (3) The use of an air or compressed gas gun or pistol provided that the owner of land upon which such devices are used has consented to the discharge of such devices on his or her property and providing the person discharging the air or compressed gas gun or pistol has taken proper precautions for the safety of others in the operation of the said air or compressed gas gun or pistol, including the proper installation of a suitable backdrop for target shooting.
  - (4) A person discharging a flare in the case of an actual or apprehended emergency;
  - (5) A person participating in a historical re-enactment under, and in accordance with, the directions of the organizers of the re-enactment.
5. Penalties  
Any person who contravenes section 3 of this bylaw is guilty of an offence punishable on summary conviction by a fine not less than that stipulated by a Category C offence under the Summary Proceedings Act and not more than \$10,000 and to imprisonment of not more than one year in default of payment thereof.
6. Repeal  
The Town of Amherst Firearms and Air Rifles Bylaw, C-2, approved by Council on the 16<sup>th</sup> day of September, 1985 is hereby repealed.

4.4. Amend Planning Policies

Moved By: Councillor David March

Seconded By: Councillor Terry Rhindress

That the following three policies related to planning operations and documents repealed:

- (1) 66000-02 Processing Planning Applications for LUB Amendments & Development Agreements Under MPS,
- (2) 66000-03 Public Participation Policy, and
- (3) 66000-05 Public Notification Policy

and that they be replaced with the following two new policies:

- (1) 66000-02 Policy for Municipal Planning Strategy, Land Use Bylaw, Subdivision Bylaw and Development Agreement Adoption and Amendment; and
- (2) 66000-03 Policy for Public Participation and Notification

Motion Carried

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**POLICY FOR MUNICIPAL PLANNING STRATEGY, LAND USE BYLAW, SUBDIVISION BYLAW, AND DEVELOPMENT AGREEMENT ADOPTION AND AMENDMENT** **Number 66000-02**

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**PURPOSE:**

The purpose of this policy is to ensure that the process for adoption of, and amendments to, the Municipal Planning Strategy (MPS), Land Use Bylaw, Subdivision Bylaw, and Development Agreements are carried out in accordance with the Municipal Government Act, and applicable policies and procedures of the Town.

**POLICY:**

That the adoption of planning documents, development agreements, and amendments thereto, shall adhere to the Municipal Government Act. Such matters shall be referred to the PAC for recommendation to Council. Staff shall provide a report to the PAC that provides comment on relevant MPS policy, land use planning principles, and includes a recommendation when applicable.

**APPLICABLE PROCEDURES:**

This policy shall be implemented according to the Procedure for Planning Document and Development Agreement Adoption and Amendment, and the Procedure for Public Participation and Notification.

**FEES:**

A fee to accompany each application for an amendment to the above noted planning documents shall be in accordance with the Town of Amherst User Fee Policy, as amended from time to time.

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**POLICY FOR PUBLIC PARTICIPATION and NOTIFICATION** **Number 66000-03**

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**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 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.

**4.5. Amend Records Management Policy****Moved By: Councillor Terry Rhindress****Seconded By: Councillor Lisa Emery****To approve the amended Records Management Policy, #05000-01****Motion Carried****RECORDS MANAGEMENT POLICY****Number 05000-01****POLICY STATEMENT**

All records in the custody and control of the employees of the Town of Amherst are the property of the Town of Amherst. It shall be the policy of the Town of Amherst to arrange, retain, archive and/or dispose of its records in accordance with the provisions of the Records Management Manual of the Association of Municipal Administrators of Nova Scotia

**PURPOSE**

1. To ensure that the records of the Town of Amherst are readily accessible, protected from premature destruction and disposed of once their value ceases.
2. To ensure that the records of the Town of Amherst are kept in a fashion that allows compliance with *Part II of the Municipal Government Act* (Freedom of Information and Protection of Privacy) in an efficient and effective manner.

**DEFINITIONS**

- a) "record" - includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.
- b) "new record" – any book, document, map, drawing, photograph, letter, voucher, paper and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, that is acquired, purchased, manufactured, produced, copied or reproduced on or after June 1, 1999.
- c) "existing record" – any book, document, map, drawing, photograph, letter, voucher, paper or any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, that is acquired, purchased, manufactured, produced, copied or reproduced before June 1, 1999.

**TRANSITIONAL PROVISIONS**

1. This policy shall become effective for all new records on June 1, 1999.
2. This policy shall become effective for all existing records on October 1, 1999.

**4.6. Amend Safety Policy****Moved By: Councillor Robert Bird****Seconded By: Councillor Frank Balcom****To approve the amended Safety Policy, #04500-01****Motion Carried****SAFETY POLICY****Number 04500-01****POLICY STATEMENT**

The Town of Amherst and its employees are committed to providing a healthy and safe work environment to prevent occupational illness and injury. To express that commitment, we issue the following policy on occupational health and safety.

As the employer, the Town of Amherst is responsible for the health and safety of its employees and will make every effort to provide a healthy and safe work environment. Training will be provided for each job function and reviewed annually. We are dedicated to the objective of preventing injuries and illness at the workplace.

Working safely for the Town of Amherst is expected of each employee. All employees will be held accountable for ensuring the use of safe work practices to the extent of their responsibility and authority. All employees also have a general responsibility for ensuring the safety of equipment and the work place conditions.

The Town will co-operate with the Departmental Health and Safety Committees and the employees to create a healthy and safe work environment. Co-operation will be extended to and expected from all other contractors, sub-contractors, suppliers, officers, etc.

# 0439

The employees of the Town of Amherst are expected to support this organization's health and safety program and to co-operate with the Departmental Health and Safety Committees and with others exercising authority under the *Occupational Health and Safety Act*.

It is the duty of each employee to safely correct, where possible, any hazardous conditions, and, if unable to do so, to report it immediately to the Safety Committee and/or Management.

Also, all employees must protect their health and safety by complying with applicable Acts and Regulations as prescribed by law and to follow policies, procedures, rules and instructions as prescribed by the Town of Amherst.

The Town and its employees will, where possible, eliminate hazards. If this is not possible, recognize the hazard and control with suitable work practices and procedures. Employees must use safety equipment, clothing, devices and materials for personal protection as required by the job function.

The Town and the Departmental Health and Safety Committees expect employees to play an active role in identifying hazards and to offer suggestions or ideas to improve the health and safety program.

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#### **4.7. Repeal Policies: Outstanding Program Accounts & Equipment Rental**

**Moved By: Councillor Lisa Emery**

**Seconded By: Councillor David March**

**To repeal the Outstanding Program Accounts Policy #72300-03 and Equipment Rental –Stadium Policy, #72300-09.**

**Motion Carried**

#### **4.8. Stadium Score Clock Sponsorship Agreement**

**Moved By: Councillor Frank Balcom**

**Seconded By: Councillor Terry Rhindress**

**To approve the Sponsorship Agreement with Maltby Casey Investment Group for the Center Ice Score Clock at the Amherst Stadium and authorize the Mayor and CAO to sign the agreement on behalf of the Town.**

**Motion Carried**

**THE TOWN OF AMHERST (the Town)**  
-and-  
**THE MALTBY CASEY INVESTMENT GROUP (the Sponsor).**

**IN CONSIDERATION** of the sponsor providing a total financial contribution of \$20,000 towards the purchase of the center ice scoreboard at the Amherst Stadium, the Sponsor and the Town agree as follows:

- The Sponsor will provide a total contribution of \$20,000 to the Town for the purchase of the sign.
- This contribution will be payable in four (4) annual installments of \$5,000 commencing on July 15, 2015 with the final installment to be paid by July 15, 2018.
- The Town will provide advertising space for the Sponsor on the scoreboard located on the front/top backlit panels on the north and south side of the sign measuring 142mm x 22mm and 2 top corner panels measuring 17mm by 24mm.
- The Town will provide this advertising space to the Sponsor for the (10) years from the installation date of the sign or April. 1, 2015 to March 31, 2025.
- The Sponsor will provide the Town with the art work, logos, etc. needed for the four backlit panels.
- The Sponsor will be responsible for any changes or updates required for the signs over the duration of this agreement.
- The Town maintains the right to sell any additional signage opportunities on the Scoreboard as they may deem appropriate.
- At a mutually agreed upon time, the Town and Sponsor will formally announce the major contribution towards the scoreboard.
- Any written notice or any other thing to be given or delivered pursuant to this agreement shall be deemed properly given if delivered personally or mailed by prepaid registered mail as follows:

- (a) If to the Town: Gregory D. Herrett CA, CAO  
Town of Amherst  
PO Box 516  
Amherst, Nova Scotia
- (b) If to the Sponsor: Stephen Maltby, CA  
33 Church Street.  
Amherst, Nova Scotia

EXECUTED at Amherst this \_\_\_\_ day of \_\_\_\_\_, 2015.

#### 4.9. Tender - Gravel Products

**Moved By: Councillor David March**

**Seconded By: Councillor Frank Balcom**

**To award the tender T-15-02 Supply & Delivery of Gravel 2015 to Camrose Sand & Gravel, at the following unit prices:**

Type 1 Gravel	\$12.50 per tonne
Washed, Clear Stone (6mm-20mm)	\$14.00 per tonne
Crushed Traction Sand	\$14.00 per tonne
Surge Rock (Type C3)	\$12.00 per tonne

**Recorded**

George Baker	Yes	
Frank Balcom	Yes	
Robert Bird		No
Lisa Emery		No
David March	Yes	
Terry Rhindress	Yes	
<b>Results</b>	<b>4</b>	<b>2</b>

**Motion Carried**

#### 4.10. Review of Heritage Properties Act

**Moved By: Councillor David March**

**Seconded By: Councillor Lisa Emery**

**To direct the CAO to write to the Minister of Communities Culture and Heritage to indicate that the Town of Amherst is supportive of the proposed changes to the Heritage Properties Act**

**Motion Carried**

### 5. INFORMATION / DISCUSSION ITEMS

### 6. INTERNAL COMMITTEE REPORTS

#### 6.1. Planning Advisory Committee

Councillor March reviewed the Planning Advisory Committee report included in the agenda.

#### 6.2. Amherst Board of Police Commissioners

Councillor Emery presented the Police Commission report included in the agenda.

#### 6.3. Amherst Youth Town Council

Youth Councillor Olivia Scott presented the Youth Council report included in the agenda.

### 7. EXTERNAL COMMITTEE REPORTS

#### 7.1. Cumberland YMCA

Councillor Bird presented the Cumberland YMCA report included in the agenda and addressed comments and enquiries from Council.

# 0441

## 7.2. Cumberland Joint Services & Northern Region

Councillor Rhindress presented the CJSMA report included in the agenda and addressed comments and enquiries from Council. There was discussion on the upcoming special collections.

## 8. ADJOURNMENT

**Moved By: Councillor Terry Rhindress**

**Seconded By: Councillor David March**

**To adjourn at 7:40 PM**

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Gregory D. Herrett, CA  
Town Clerk and CAO

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Robert Small  
Mayor