

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: February 24, 2025
Time: 6:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor Robert Small
Deputy Mayor Hal Davidson
Councillor Charlie Chambers
Councillor Nic Furlong
Councillor Terry McManaman
Councillor Dwayne Ripley
Councillor Kathy Wells

Staff Present Jason MacDonald, Chief Administrative Officer
Aaron Bourgeois, Director, Operations
Andrew Fisher, Director, Planning & Economic Development
Dwayne Pike, Chief, Police Services
Greg Jones, Director, Fire Services
Kim Jones, Deputy Chief Administrative Officer
Krista Crossman, Director, Human Resources
Sarah Wilson, Director, Finance
Sharon Bristol, Director, Community Living
Sean Payne, Corporate Communications Officer
Natalie LeBlanc, Municipal Clerk
Cindy Brown, Administrative Assistant

-
- 1. CALL TO ORDER**
Mayor Small called the meeting to order.
 - 2. TERRITORIAL ACKNOWLEDGMENT**
Mayor Small gave the Territorial Acknowledgement.
 - 3. APPROVAL OF AGENDA/ACCEPTANCE OF MINUTES**

- 3.1 Approval of the Agenda**
Moved By Councillor McManaman
Seconded By Deputy Mayor Davidson
To approve the agenda as circulated.

Motion Carried

- 3.2 Acceptance of Minutes**
 - 3.2.1 January 27, 2025 Regular Meeting**
Mayor Small called for any errors or omissions in the minutes. There being none, the minutes of the January 27, 2025 regular meeting of Council were approved as included in the agenda package.
 - 3.2.2 February 12, 2025 Public Hearing**
Mayor Small called for any errors or omissions in the minutes. There being none, the minutes of the February 12, 2025 Public Hearing were approved as included in the agenda package.

- 4. REQUESTS FOR DECISION**
 - 4.1 Sidewalk Curb Construction Policy**
Moved By Councillor Wells
Seconded By Councillor Furlong
That Council approve the amendments to the Sidewalk and Curb Construction Policy.

Motion Carried

TITLE:
SECTION:
POLICY NO.:

SIDEWALK / CURB CONSTRUCTION POLICY
ENGINEERING & PUBLIC WORKS
31600-18

APPROVAL DATE: _____

CAO Signature: _____

PURPOSE:

The purpose of this policy is to define materials to be used for sidewalk and curb construction or maintenance.

POLICY STATEMENT:

Sidewalk construction is an important part of the Town of Amherst infrastructure. ~~The following will be used by staff when developing plans for sidewalk and curb reconstruction or construction. Materials used in the construction of all new sidewalks in the Town of Amherst will be recommended by staff, and reviewed and approved by Amherst Town Council during the capital budget process.~~

1.

New Sidewalk Construction

Materials used in the construction of all new sidewalks in the Town of Amherst will be **concrete and include the installation of tactile warning indicator plates as needed. Other construction materials may be** recommended by staff and reviewed and approved by Amherst Town Council during the capital budget process.
2.

Repair of Existing Sidewalks

Existing concrete, asphalt or interlocking brick paver sidewalks will be repaired using the same materials used in the original construction.

Construction material for replacement of entire sections of sidewalks (i.e. between two parallel streets) shall be at the discretion of Council.
3.

Reconstruction of Existing Sidewalks

When entire sections of existing concrete, asphalt or interlocking brick paver sidewalks are replaced the material used for reconstruction shall be concrete and include the installation of tactile warning indicator plates as needed
- ~~4.~~3.

New Curbs

All new curbs will be concrete with barrier curbs required on arterial streets to provide safety relative to higher speed traffic. Roll over curbs will be installed on local and collector streets except at tee intersections and sharp corners where barrier curbs will be used to reduce the possibility of vehicles sliding into the sidewalk.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Director of Operations	Ensure policy is reviewed on a regular basis to determine if any updates / changes are required.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Amended policy language; brick pavers will be replaced with concrete when reconstructing downtown sidewalks	Director of Operations, Bourgeois	Council	

Minutes Reference Dates: 25 June 2007

29 June 2010

4.2 Appointment of Members of Council to External Boards, Committees and Commissions Policy
Moved By Councillor Ripley
Seconded By Councillor Wells
That Council approve the proposed amendments to the Appointment of Members of Council to External Boards, Committee & Commissions Policy Appendix A.

Motion Carried

TITLE: APPOINTMENT OF MEMBERS OF COUNCIL TO EXTERNAL BOARDS, COMMITTEES AND COMMISSIONS
SECTION: EXECUTIVE OPERATIONS
POLICY NO: 10350-28

APPROVAL DATE: June 24, 2024 **CAO Signature:** _____

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 decline appointment of Members to external bodies;
 - (b) 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 8 of this Policy.
5. Council shall only make appointments to external bodies after having received and considered the terms of reference from external bodies.
6. The Clerk shall keep a list of the appointments of Members to external bodies made by Council, known as Appendix A.

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 to External Bodies

8.
 - (1) Council may appoint Members to external bodies as required by enactment, by-law or agreement:
 - (a) in accordance with any enactment of the Government of Canada or Province of Nova Scotia;
 - (b) in accordance with the By-laws of the Municipality or an agreement to which the Municipality is a party; or
 - (c) as otherwise directed by Council.
 - (2) Council may appoint Members to bodies, including external bodies, which in the opinion of Council are community organizations providing a service to the community and which:
 - a. the Municipality is providing funding; and/or
 - b. where Council determines that municipal involvement is required or beneficial.

(3) An external body Council considers meets the purpose of subsection 1 or 2 of this section shall be named in Appendix A. Council may amend Appendix A to add or remove the name of an external body.

- (4) Reporting
Councillors appointed to external bodies will submit a report to regular Council meetings. Information that generally should be included in the report includes:
- a. Governance issues;
 - b. Financial issues;
 - c. Requests to Council; and
 - d. Service delivery capacity.

These reports are intended to provide important information to Council regarding the operation of the external body and are not intended to be a medium to promote issues / events to the general public.

External Bodies Without Council Appointment

9. (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

10. (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

11. Any Appendix attached to this Policy shall form part of the Policy.
- Appendix A – External Bodies to which Members are appointed pursuant to section 8

**Appendix A
External Bodies to which Members
are appointed pursuant to Section 8**

Board, Committee or Commission	Members Appointed	Act, Legislation, By-Law, Agreement or Membership
Cumberland Public Libraries Board	1 Member appointed	By-laws of Board
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 Capital Funding
Cornerstone Board of Directors	1 Member appointed	Contribution Agreement
Municipal Alcohol Project	1 Member appointed	By Request of Organization
Senior Safety Advisory Committee	1 Member appointed	By Request of Organization
GFL Community Liaison Committee	1 Member appointed	Residential Three Stream Solid Waste Collection Agreement

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Council	Appoint members to external boards, committees and commissions. Notify Clerk of any boards, committees or commissions to which they are members of without Council appointment
Clerk	Ensure Appendix A of this policy, as well as the list of boards, committees and commissions council are members of without Council appointment, is kept up to date.

For Administrative Use Only:

VERSION LOG

Amendment Description	Policy Owner	Approved By	Approval Date
Amend Appendix A to reflect current Council appointments	Clerk, LeBlanc		
Include a provision that states: The report should include any matters that affect the organizations governance, financial structure, or service delivery capacity, remove Appendix B and C.	Clerk, LeBlanc	Council	June 24, 2024

Minutes reference date: February 26, 2018 February 22, 2021 April 25, 2022 June 24, 2024

4.3 96 Church Street Development Agreement Second Reading
Moved By Councillor Chambers
Seconded By Councillor McManaman
That Council give Second and final Reading to the Development Agreement for 96 Church Street to permit the conversion of a dwelling located at 96 Church Street into a 6-unit apartment building with a detached garden suite.

Motion Carried

Case No: DA-2025-XX

This Agreement made this _____ Day of _____ 2025.
Between:

Six Point Start Homes (owner of property located at 96 Church Street [PID 25013814], 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 RP-9 of the Municipal Planning Strategy of the Town of Amherst, to add three additional units, including one garden suite located at 96 Church Street (PID 25013814).

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

AND WHEREAS the Council of the Town, at its meeting on the ____ Day of _____ 2025, 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 Location Map
- (c) Schedule 'C' - Site Plan

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

- 1) That the Owner is the registered owner of the aforesaid Lands in the Town of Amherst, hereinafter called the "Lands". The aforesaid Lands are the only lands in the Town of Amherst to which this Agreement applies, and the Lands are illustrated in the plan shown on Schedule B attached.
- 2) That the Owner may construct three additional units, for a total of seven, including a Garden Suite situated in the existing garage on the said Lands, subject to Schedules A, B, and C.
- 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 AND DELIVERED

In the presence of

THE TOWN OF AMHERST

Rob Small, Mayor

Jason MacDonald, MCIP, LPP, CAO

FOR THE OWNER

Tom Mattinson
Six Point Star Homes

Schedule A

**96 Church Street, PID 25013814-
Development Agreement**

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

- 1.1 The use of the property shall be limited to a six (6) unit dwelling and one Garden Suite for a total of seven (7) dwelling units on property shown on Schedule 'B'.
- 1.2 The location of the main building. Garden suite, driveway, parking area shall be generally configured on the Lands as shown on Schedule 'C'. Variations to the location of any parts of the site plan may be permitted, to the satisfaction of the Development Officer. Such changes shall not be considered substantial.
- 1.3 A minimum of 1.48 parking spaces shall be provided for each dwelling unit for a total of 10 spaces on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.4 The Owner shall be responsible for maintaining a screened solid waste containment area(s) at minimum six (6) metres from the rear property line of adjacent properties.

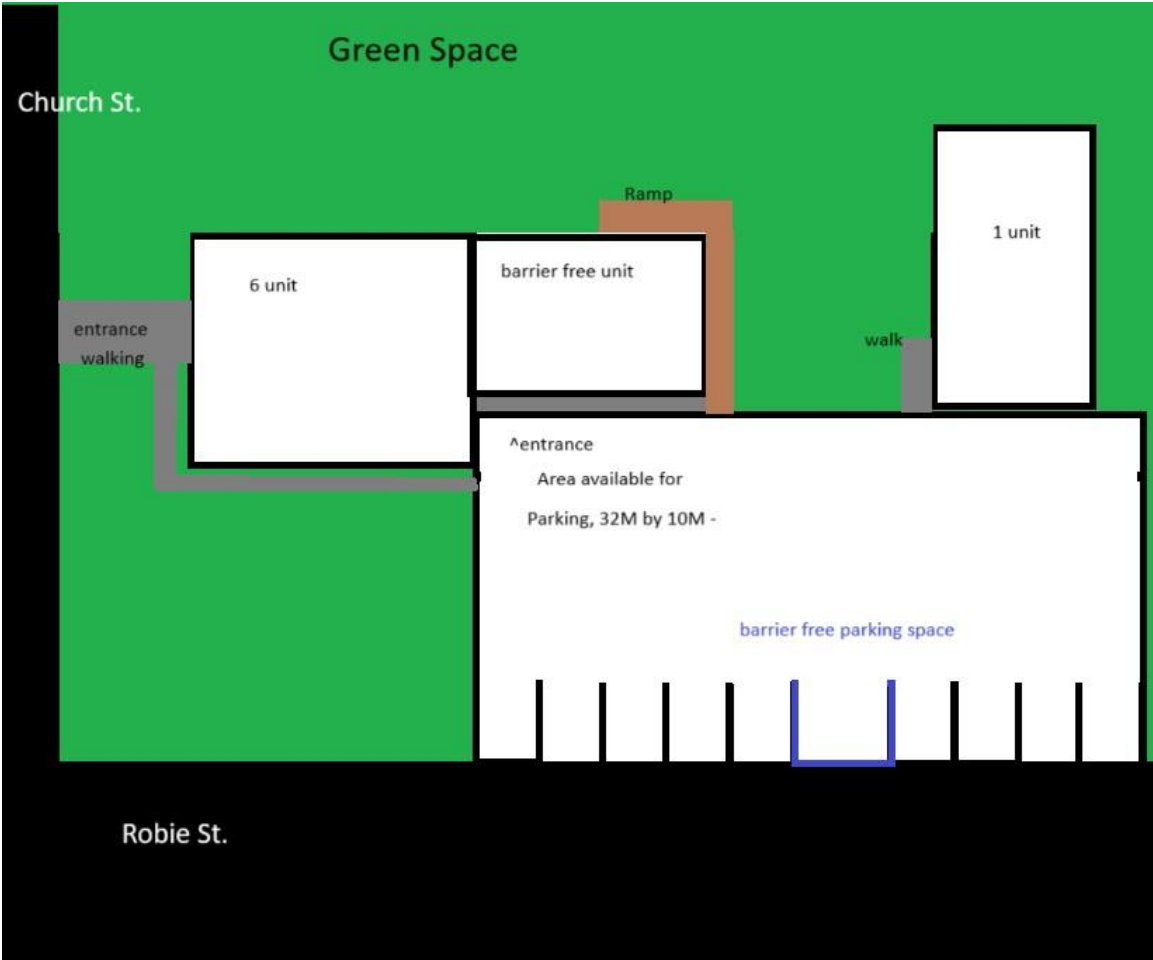
2. GENERAL REQUIREMENTS

- 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 In addition to *Part 5 – Hours of Construction* under the Town of Amherst Building Bylaw D-6, operation of heavy equipment and electrical generators shall not take place on the property from 8:00 P.M. to 7:00 A.M.
- 2.3 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 2.4 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 2.5 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 2.6 The Owner shall take all reasonable steps to maintain a clean worksite during construction by picking up building material waste, and taking all reasonable measures to minimize dust.
- 2.7 Accessory buildings may be permitted on the Lands in accordance with the Town of Amherst Land Use Bylaw.

**Schedule B
Location Map**



Schedule C
Site Plan



5. INTERNAL COMMITTEE REPORTS

- 5.1 Planning Advisory Committee - Ripley
Information item only; no direction given or action required.
- 5.2 Amherst Board of Police Commissioners - Chambers
Information item only; no direction given or action required.
- 5.3 Amherst Youth Town Council
Information item; no direction given or action required.
- 5.4 Inclusion Diversity and Equity Committee - Davidson
Information item; no direction given or action required.

6. EXTERNAL COMMITTEE REPORTS

- 6.1 Cumberland YMCA - Chambers
Information item; no direction given or action required.
- 6.2 Northern Region Solid Waste Management - Furlong
Information item; no direction given or action required.
- 6.3 L. A. Animal Shelter - Davidson
Information item; no direction given or action required.

7. ADJOURNMENT

There being no further business, the Chair adjourned the meeting.

Natalie LeBlanc
Municipal Clerk

Robert Small
Mayor