

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: April 29, 2019
Time: 7:00 pm
Location: Council Chambers, Town Hall

Members Present	Mayor David Kogon Deputy Mayor Sheila Christie Councillor Jason Blanch Councillor Vince Byrne Councillor Darrell Jones Councillor Wayne MacKenzie Councillor Terry Rhindress
Staff Present	Greg Herrett, CAO Jason MacDonald, Deputy CAO Operations Greg Jones, Fire Chief Andrew Fisher, Manager of Planning & Strategic Initiatives Tom McCoag, Corporate Communications Officer Rebecca Taylor, Business Development Officer Shelley Rector, Chief Financial Officer Kimberlee Jones, Municipal Clerk Natalie LeBlanc, Deputy Clerk
Others Present	Mason Carter, AYTC Representative

1.

TERRITORIAL ACKNOWLEDGEMENT
Mayor Kogon gave the territorial acknowledgement.
2.

CALL TO ORDER
Mayor Kogon called the meeting to order at 7:00 p.m.
3.

O CANADA
Parker Ross did the signing of O Canada.
4.

APPROVAL OF AGENDA/MINUTES

4.1

Approval of the Agenda
Moved By Councillor MacKenzie
Seconded By Councillor Rhindress
To approve the agenda as circulated.

Motion Carried

4.2

Approval of Minutes
Moved By Councillor Byrne
Seconded By Deputy Mayor Christie
To approve the minutes of the March 25, 2019 regular meeting of Council.

Motion Carried

5. REQUESTS FOR DECISION

5.1 Water Utility Operating Budget Approval

Moved By Councillor Blanch

Seconded By Councillor Jones

That Council approves the 2019-2020 Amherst Water Utility Operating Budget of \$2,246,938 as presented.

Motion Carried

5.2 Sanitary Sewer Rate Approval

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

WHEREAS Council is authorized by the Town of Amherst Sanitary Sewer Rates By-law to set rates for sewer services;

THEREFORE BE IT RESOLVED THAT owners shall be billed for sewer services using one of the following methods effective April 1, 2019:

- Metered Customers

Those owners whose water service is metered shall pay a usage charge:

Residential: \$0.99 per cu. meter of metered water consumption as determined by the Amherst Water Utility;

Commercial/Industrial/Institutional: \$0.49 per cu. meter of metered water consumption as determined by the Amherst Water Utility.

Base Charges

Those owners whose water service is metered shall pay a base charge quarterly. The quarterly base charge by meter size is:

5/8"	\$18.00
3/4"	\$27.00
1"	\$43.75
1 1/2"	\$86.00
2"	\$136.25
3"	\$271.25
4"	\$500.00

- Non-Metered Customers

For non-metered customers in unmetered mobile home parks, the park owner shall pay \$178.53 per dwelling unit per annum.

Motion Carried

5.3 Wastewater Treatment Facility Uniform Charge

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2020, an amount to be raised for a portion of the debenture principal and interest payments for the wastewater treatment facility, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 486 unmetered mobile homes within a land leased community within the boundaries of the Town of Amherst; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each unmetered mobile home within a land leased community in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$72.00 be levied for the fiscal year ending March 31, 2020 on each unmetered mobile home within a land leased community within the boundaries of the Town of Amherst, and that these uniform charges are due and payable on September 30, 2019 with interest to be charged on all final tax accounts outstanding on or after October 1, 2019 at the rate of 1% per month, 12% per annum.

Motion Carried

5.4 **Substance Use Policy**
 Moved By Councillor Blanch
 Seconded By Deputy Mayor Christie
 That Council adopt the Substance Use Policy.

Motion Carried

DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: **Substance Use Policy**

Minutes reference date: April 29, 2019

1. PURPOSE:

The Town of Amherst is committed to the health and safety of its employees and has adopted this Policy to communicate its expectations and guidelines surrounding substance use, misuse, and abuse.

2. POLICY STATEMENT:

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks to both themselves and their fellow employees. To help ensure a safe and healthy workplace, the Town of Amherst reserves the right to prohibit certain items and substances from being brought on to or present on Town of Amherst premises.

3. Definitions and Terms:

- a) Alcohol:** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- b) Alcohol Use:** means the use of any beverage, mixture, or preparation, including any medication, containing alcohol.
- c) Contractor:** Independent entity that agrees to furnish certain number or quantity of goods, material, equipment, personnel, and/or services to the Employer and Employees.
- d) Drug:** pure substance, chemical or agent used to alter the way the body or mind functions.
- e) Drug Identification Number (DIN):** number assigned by Health Canada to a drug product prior to being marketed in Canada. Identifies all drug products sold in the dosage form and is located on the label of OTC and prescription drug products authorized for sale in Canada.
- f) Drug Paraphernalia:** equipment, product or material intended or designed to be used in manufacturing, compounding, converting, concealing, processing, preparing or introducing a substance into the human body.
- g) Employee:** a person employed by the Town of Amherst to do work. For the purpose of this policy this includes contractors, volunteers, vendors and any person authorized by the Town of Amherst to be on the workplace/worksite.
- h) Employer:** means the organization of the Town of Amherst. This term includes the agents, officers and representatives of the Town of Amherst.

i) Employee Assistance Program/Family Assistance Program: means a confidential corporate sponsored program offering support and counselling services to employees (and identified family members) that are experiencing personal and/or work/personal related.

j) Fit for Duty: reporting to work and being able to perform assigned duties and tasks, whether on a Town of Amherst job site or another site assigned by a supervisor, and not being under the influence of any substance that causes Impairment or that adversely affects the employee's ability to perform their assigned duties and tasks in a safe and responsible manner throughout his/her entire work shift.

k) Group Health Plan: Health insurance program comprised of a group of members.

l) Impairment: state of being diminished, weakened or damaged, especially cognitively or physically.

m) Incident: any occurrence that caused or had the potential to cause damage to persons, property, reputation, security or the environment.

n) Off Duty Conduct: actions of the Employee, including verbal, non-verbal, and written acts, outside of the hours the Employer is scheduled to work.

o) Reasonable Suspicion, also called Reasonable Grounds: The direct observations of the employee's conduct or other indicators such as physical appearance of the employee, odors associated with the use of substances and includes the presence of drug paraphernalia on the employee, his/her work area, or his/her vehicle, or observed changes in the employee's behavior such as erratic behavior, slurred speech, confusion, staggering and unsteadiness.

p) Safety Sensitive Position: Safety Sensitive Position is a job or position where the employee holding this position has the responsibility for his/her own safety or other people's safety.

Workplace performance affected by substance use could result in a significant incident, near miss or failure to adequately respond to a significant incident and detrimentally affects the health, safety or security of the employee, others, property, the environmental or employer's reputation.

For the purposes of this policy the following positions are designated Safety Sensitive:

- Police Officers
- Firefighters and Fire Inspectors
- Dispatcher
- Building Officials
- Operations Manager
- Horticulturalist
- Facilities Manager
- Operator with Refrigeration Class II
- Parks and Stadium Supervisor
- Parks, Maintenance and Stadium Operator
- Stadium Attendant
- Parks Attendant
- Recreation Maintenance
- Sub Foreman
- Carpenter
- Mechanic
- Welder
- Lead Hand
- Operator
- Water and/or Sewer Maintenance
- Utility
- Laborer

q) Substance: includes any drug, alcohol, substance, chemical or agent regardless of whether the use or possession is lawful or unlawful or requires a personal prescription or medical certificate from a licensed treating physician, Nurse Practitioner (NP), or those permitted by law, and includes any non-prescription and over the counter substances.

r) Supervisor: A supervisor is a person who has charge of a workplace and/or authority over a worker.

s) Volunteer: includes anyone attending at any workplace or worksite of the employer and for the purposes of this policy a volunteer will be considered like an employee.

t) Workplace/Worksite: any place that physical and or mental labour occurs, whether paid or unpaid. This includes whether on a Town of Amherst job site or another site assigned by a supervisor and where an employee attends while working for the employer, during scheduled work hours, and/or is acting on behalf of the employer.

4. OBJECTIVES

The following expectations apply to employees and management alike while conducting work on behalf of the company, whether on or off Town property:

- a) Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard;
- b) Employees must remain fit for duty for the duration of their shift;
- c) Distribution or sale of drugs, alcohol or any substance that causes impairment during work hours, including during paid and unpaid breaks, is strictly prohibited;
- d) Possession of non-prescribed drugs or substances that cause impairment during working hours is strictly prohibited;
- e) Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of Town of Amherst policies and all applicable legislation;
- f) Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol; and
- g) Employees on prescription medication or medically approved substances **must** communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

5. Roles and Responsibilities

a) Senior Management will:

- i. Clearly communicate expectations surrounding alcohol and drug/substance use, misuse, and abuse;
- ii. Maintain a program of employee health and awareness;
- iii. Provide a safe work environment; and
- iv. Review and update this policy regularly.
- v. Will ensure, when appropriate that accommodations are provided if warranted.

b) Supervisors will:

- i. Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions;
- ii. Ensure that any employee who asks for help due to a drug/substance or alcohol dependency is provided with the appropriate support (including accommodation); and
- iii. Maintain confidentiality and employee privacy.

c) Employees must:

- i. Abide by the provisions of this policy and be aware of their responsibilities under it;
- ii. Arrive to work fit for duty, and remain as such for the duration of shift;
- iii. Communicate dependency or emerging dependency to management or human resources; and
- iv. Follow an after-care program, where established.
- v. Seek advice and appropriate treatment, where required;
- vi. Perform work safely in accordance with established safe work practices;
- vii. Avoid the consumption, possession, sale, or distribution of drugs, substances that cause impairment or alcohol on Town property and during working hours (even if off Town property);
- viii. When off duty, refuse a request to come into work if unfit for duty;
- ix. Report limitations and required modifications as a result of prescription medication;
- x. Report co-workers to management who they have reason to believe are not fit for duty according to this policy;
- xi. Any employee working in a Safety Sensitive position who has a limitation or restriction on their ability to perform their job, or if prescribed medical treatment which has or will adversely affect those abilities, must report such limitations or restrictions to their immediate supervisor, who in turn will notify Human Resources.

6. Suspicion of Impairment

The following procedure may be enacted if there is reasonable belief that an employee is impaired at work:

- a) If possible, the employee's manager or supervisor will first seek another manager's or supervisor's opinion to confirm the employee's status.
- b) Next, the manager or supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour including but not limited to slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odour of alcohol or other impairing substances, the employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
- c) If an employee is considered impaired and deemed "unfit for work," this decision is made based on the best judgement of two members of management (when possible) and DOES NOT require a breathalyzer or blood test. The employee may be advised that the Town of Amherst has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The

- employee may be accompanied by a manager or supervisor or another employee if deemed necessary.
- d) When it is suspected that an employee is impaired, the employee will not be allowed to drive. The employee should be advised if they choose to refuse Town of Amherst organized transportation and make the decision to drive their personal vehicle, the Town is obligated to and will contact the police to make them aware of the situation.
 - e) A meeting may be scheduled for the following work day to review the incident and determine a course of action which may include discipline or a monitored referral program as part of a treatment plan.

7. Substance Dependency

Town of Amherst understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Town of Amherst promotes early diagnosis. Any employee who suspects that they might have an emerging drug/substance or alcohol problem is expected to seek appropriate treatment promptly.

8. Voluntary Identification

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information shall be kept confidential by Town of Amherst, unless otherwise authorized by law.

9. Agreement for the Continuation of Employment

Town of Amherst reserves the right to invoke an agreement for the continuation of employment in accordance with an employee’s commitment to become and remain alcohol- and drug-free. The agreement will outline the conditions governing the employee’s return to the job and the consequences for failing to meet the conditions.

An agreement for the continuation of employment may include a requirement for drug or alcohol testing.

10. Disciplinary Action

Employees may be subject to disciplinary action up to and including termination of employment for failure to adhere to the provisions of this policy, including but not limited to:

- a) Failure to meet prescribed safety standards as a result of impairment from alcohol, drugs or substances that cause impairment; and
- b) Engaging in illegal activities (for example, selling drugs, alcohol or substances that cause impairment while on Town of Amherst premises).

11. Acknowledgement and Agreement

I, (Employee Name), acknowledge that I have read and understand the Substance Use Policy of Town of Amherst. I agree to adhere to this policy and will ensure that any employees working under my direction adhere to this policy. I understand that if I violate the rules set forth in this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

➤ Witness: _____

6. INFORMATION ITEMS – No Reports

7. INTERNAL COMMITTEE REPORTS

7.1 Planning Advisory Committee

Information item; no direction given or action required.

- 7.2 **Amherst Board of Police Commissioners**
Information item; no direction given or action required.
- 7.3 **Amherst Youth Town Council**
Information item; no direction given or action required.

8. **EXTERNAL COMMITTEE REPORTS**

- 8.1 **Cumberland Public Libraries**
The CAO requested that Councillor MacKenzie try to get statistics as to how many library users are residence of Amherst.
- 8.3 **Cumberland Joint Services Management Authority**
Information item; no direction given or action required.
- 8.4 **Northern Region Solid Waste Committee**
Information item; no direction given or action required.
- 8.7 **Inter Municipal Tourism**
Information item; no direction given or action required.

9. **ADDITION TO THE AGENDA**

Councillor Blanch asked to make an addition to the agenda. As the agenda was already approved, this required a unanimous consensus of Council, which was given.

Moved by Councillor Blanch that Amherst Youth Town Council be invited to the next Committee of the Whole meeting to do a presentation on climate change. There being no seconder to the motion, the motion failed.

Mayor Kogon and AYTC member Mason Carter to arrange a date for a special meeting of Committee of the Whole to be scheduled for the Amherst Youth Town Council to give a presentation on climate change.

10. **ADJOURNMENT**

Moved By Councillor Jones
Seconded By Councillor Rhindress
To adjourn the meeting at 7:33 p,m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon
Mayor