



**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING AGENDA**

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, December 20, 2023
6:30 PM

E-mail: admin@essexjunction.org

www.essexjunction.org

Phone: (802) 878-6944

This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

- **WATCH:** the meeting will be live streamed on [Town Meeting TV](#)
- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Discussion with HR Director Colleen Dwyer
 - b. Discussion and Consideration of Budget Engagement Options and Warn Two Budget Public Hearings
 - c. Discussion and Consideration of Capital Program Review Committee Policy and Local Option Tax Policy
 - d. Discussion and Consideration of Rental Registry & Inspection Ordinance and Warn Public Hearing
 - e. Discussion and Consideration of Urban Forestry Grant for Trees for Main St. Park
 - f. *Discussion regarding Contract
6. **CONSENT ITEMS**
 - a. Approve Check Warrant #24025 11/17/23 & #24027 120123
 - b. Approve Meeting Minutes: November 8, 2023
 - c. Approve Tobacco License for Ariana Natural Market LLC, 4 Pearl St.
 - d. Approve Council Meeting Policy – Second Version
 - e. Approve adding VMERS Defined Contribution Option
 - f. Approve Agreement with Chittenden County Regional Planning Commission for Transit Oriented Development Project
 - g. Approve Amtrak Project Pre-Award Authority Request and RFP Process
 - h. Approve Price Increase for Whitcomb Farm Biosolids Land Application Agreement
 - i. Approve Support for Vermont Access Network’s Proposed Legislation
 - j. Approve Re-appointment of M. Pauer Tursi to the Chittenden County Communications Union District
 - k. Approve Tree Farm Management Group non-profit status extension
7. **READING FILE**
 - a. Council Member & Manager Comments
 - b. Senior Update & SSTA Application
 - c. Essex Community Justice Center Newsletter
 - d. Champlain Valley Expo Permit
 - e. Efficiency Vermont Article featuring the Wastewater Treatment Plant
 - f. The Vermont GaN (V-GaN) Semiconductor Tech Hub
 - g. Brownell Library Report October 2023
 - h. Capital Review Committee Draft Minutes 11/7/23
 - i. Planning Commission Minutes 11/9/23 & 12/6/23
 - j. Development Review Board Minutes 11/16/23
 - k. Bike Walk Advisory Committee Minutes 11/20/23

- l. Tri-Town Joint Review Committee Minutes 11/30/23
- m. Brownell Trustee Draft Minutes 11/21/23

8. **EXECUTIVE SESSION**

- a. *An executive session may be needed to discuss a contract

9. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the President. Regarding zoom participants, if individuals interrupt, they will be muted; and if they interrupt a second time they will be removed. This agenda is available in alternative formats upon request. Meetings of the City Council, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.

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**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
DECEMBER 20, 2023**

COUNCILORS PRESENT: Raj Chawla, President; Amber Thibeault, Vice President; Marcus Certa, Clerk; Andrew Brown; Elaine Haney.

ADMINISTRATION: Regina Mahony, City Manager; Colleen Dwyer, Human Resources Director; Chelsea Mandigo, Water Quality Superintendent; Jess Morris, Finance Director; Ashley Snellenberger, Communications & Strategic Initiatives Director, Chris Yuen, Community Development Director.

OTHERS PRESENT: Annie Cooper, Craig Dwyer, Carlton Houghton, Resa Mehren, Scott.

1. **CALL TO ORDER**

Councilor Chawla called the meeting to order at 6:33 PM.

2. **AGENDA ADDITIONS/CHANGES**

City Manager Mahony noted an amendment to Reading File item #7d (Champlain Valley Expo Permit) and that a revised letter will be included in the updated meeting packet. She additionally noted a previously missing attachment to Business Item #5c, which will be included in the updated meeting packet, and that Business Item #5a will be postponed.

3. **APPROVE AGENDA**

ANDREW BROWN made a motion, seconded by MARCUS CERTA, to approve the agenda as amended. The motion passed 5-0.

4. **PUBLIC TO BE HEARD**

a. Comments from public on items not on the agenda

Carlton Houghton spoke about an application at the previous night's Development Review Board (DRB) meeting, noting that the proposed project included a five-story building on Park Street. He spoke about how this and other in-filling activities will further compound traffic issues downtown, specifically at the Five Corners intersection. He said that Essex Junction should not be responsible for solving Vermont's housing issues, saying that more density could be detrimental to the quality of life and well-being of the community. He also expressed concern about the loss of the physical location for the Senior Center.

Resa Mehren noted that the Williston Observer reported that Williston is postponing its reappraisal because the State has changed what triggers a reappraisal (now a COD or coefficient of dispersion), and that the threshold is 20%. She asked whether Essex Junction is also able to postpone its property tax reappraisal. City Councilors and the City Manager said they would look into this. Ms. Mehren asked when the City of Essex Junction branding and logo revamp will occur, and City Manager Mahony replied that the City intends to begin work on it at some point but that some of the rebranding funding was reallocated to the strategic planning process.

Craig Dwyer spoke about the DRB's decision to uphold its previous decision regarding 8 Taft Street. He noted that while the City is halting its fining of the owner of the property for a zoning violation, the owner of 8 Taft Street is scaling up the number of livestock they have on their property, as well as increasing the number of built structures on the property. He said that this does not seem reciprocal and added that it is affecting the quality of life and property values of surrounding residential properties. He said that this is a concern for the 11 residents who have surrounding residential properties.

53 Annie Cooper said that she is adamantly opposed to the way the Senior Center is being handled. She
 54 expressed frustration that the City (specifically its Parks & Recreation Department) isn't putting effort or
 55 funding into the Senior Center, and asked whether staff could be devoted to senior programming for
 56 several hours per week. She said that this is the bare minimum that the City can do, given that the senior
 57 van has already been taken offline and that the seniors need these opportunities to socialize and have
 58 programming.

59
 60 **5. BUSINESS ITEMS**

61 a. Discussion with HR Director Colleen Dwyer

62 This item was postponed.

63
 64 b. Discussion and Consideration of Budget Engagement Options and Warn Two Budget Public
 65 Hearings

66 Director Snellenberger noted that this pertains to engaging with residents and gathering feedback on
 67 the FY25 budget. She said that specifically, this is an opportunity for the Council to review and discuss
 68 a proposed schedule for budget engagement with residents. She said that it is broken into two sections,
 69 pertaining to gathering feedback from residents and informing and answering questions from residents
 70 about items on the ballot. She noted that the former is proposed for January 10 through February 28
 71 and the latter for March 1 through April 6. She noted that this lines up with the February 28 deadline to
 72 warn the Annual Meeting. She further noted that City staff are recommending that the Council warn two
 73 public hearings to discuss the budget and ballot items, on January 27th during the Community Meal and
 74 on February 28th. She additionally noted that there will be two Coffee Chats scheduled with the Council
 75 as an opportunity to inform and educate residents about the budget and ballot items, as well as budget
 76 information content that will be added to the City's website and Front Porch Forum for reference.

77
 78 Councilor Certa noted that the Council is planning to set up budget meetings with groups such as
 79 seniors, apartment complexes, the Rotary Club, and the Lion's Club, and asked when in the feedback
 80 and education process those will occur. Director Snellenberger replied that those meetings haven't yet
 81 been scheduled but that she would like to schedule them early in the process. Councilor Certa asked
 82 whether the February public hearing could be moved earlier, so that feedback can be incorporated prior
 83 to February 28th. Councilor Chawla noted that anyone can come to any of the City Council's meetings
 84 or Coffee Chats between now and February 28th to give input on the budget. The Council discussed
 85 adding in a presentation on current status of the budget prior to the working session on February 14th.

86
 87 Councilor Chawla said that he would like to see a way for the public to see what's been proposed on
 88 the website and to be able to send in feedback easily and electronically via a Microsoft form (for example)
 89 on the website. He also noted that he may not be able to attend some of the Coffee Chats during the
 90 day. Director Snellenberger replied that an electronic link to a feedback form will be provided for public
 91 input and that she will work with Councilors to gauge availability for the Coffee Chats.

92
 93 **ANDREW BROWN made a motion, seconded by ELAINE HANEY, to set the public hearings on**
 94 **the FY25 Budget for Saturday, January 27, 2024 and Wednesday, February 28, 2024. The motion**
 95 **passed 5-0.**

96
 97 c. Discussion and Consideration of Capital Program Review Committee Policy and Local Option Tax
 98 Policy

99 Director Morris noted that the Capital Committee began meeting regularly again this spring and summer
 100 and one of their first tasks was to update the existing Capital Program Review Committee Policy. She
 101 noted that they made updates to change references to the Village to City, as well as updated what is in
 102 the purview of the Capital Committee. She noted that the Committee also created a Local Option Tax
 103 Policy. She said that they reviewed existing LOT policies from other municipalities and incorporated the
 104 features that would work well for Essex Junction. She noted that the LOT Policy outlines the uses for

105 LOT revenue, which will go toward capital projects and that 25% of it would be allocated specifically to
106 sidewalk projects. She said that the policy outlines the process for future review and updates of the
107 policy as well. She further noted that the Capital Committee is working to update the Sidewalk Policy,
108 and would welcome Council input on this.

109
110 Councilor Brown asked whether the definition of a capital purchase could be modified to align more
111 closely with generally accepted accounting principles (rather than anything over \$10,000), to prevent
112 things from going to the Capital Committee that may not necessarily need the Committee's review.
113 Councilor Chawla also asked whether \$10,000 is a relevant threshold now, given large increases in
114 costs across the board. He said that this ties into the Purchasing Policy in general. Finance Director
115 Morris suggested updating the LOT Policy to reference the Purchasing Policy (so that both are in
116 alignment), and suggested increasing the Purchasing Policy limit to \$40,000, given that this is the
117 amount above which purchases need approval from the City Council. She noted that the majority of
118 capital projects will likely cost much more than that. Councilors agreed with updating the LOT Policy to
119 reference the Purchasing Policy's limits.

120
121 In terms of other feedback, Councilor Certa noted that the LOT policy covers purchasing specifically of
122 roads, bridges, sidewalks, culverts, and water lines. Councilor Thibeault noted that building repairs and
123 replacements should not be included in the Capital Program Review Committee Policy for review by the
124 Capital Committee, saying that this language should be deleted. Councilor Thibeault also asked whether
125 the quarterly report language should be required, given that minutes are taken at Committee meetings.
126 Other Councilors said they were comfortable with removing this language. Councilor Brown noted that
127 language in the Membership section should be removed referencing the "Committee's first appointees",
128 given that the Committee has existed for over a decade. He also noted that language referencing the
129 Committee's first organizational meeting should be modified to reference the Committee's first meeting
130 of the year. Other Councilors agreed with these changes.

131
132 **ANDREW BROWN made a motion, seconded by ELAINE HANEY, to accept the updated Capital**
133 **Review Program Review Committee Policy as amended. The motion passed 5-0.**

134
135 Councilor Certa noted that the LOT Policy specifically excludes paving, rolling stock, sewer, and
136 buildings from capital projects, and asked whether the paving is specific to roads or sidewalks. Councilor
137 Thibeault said that this is meant to apply to streets, but also noted that when the City Engineer talks
138 about sidewalk maintenance, they are not technically paving because they are pouring concrete (rather
139 than paving with asphalt). City Manager Mahony suggested that the language be modified to reference
140 routine street paving. Councilor Chawla suggested that the allocation of LOT revenue to sidewalks be
141 broadened to also include pedestrian and bicycle infrastructure projects, since they often go hand-in-
142 hand with sidewalk improvements. Councilor Haney said that the language should reflect sidewalk
143 repairs and not be broadened. Councilor Thibeault cautioned that the 25% allocation is not very much
144 money and advised against allocating it to additional categories other than sidewalk repair. Councilors
145 agreed to keep the language as presented. Councilors agreed with a suggestion by Director Morris to
146 change "sewer" references to "wastewater/sanitation." They agreed with clarifying language to state that
147 buildings do not come under the purview of capital projects.

148
149 **ANDREW BROWN made a motion, seconded by ELAINE HANEY, to accept the updated Local**
150 **Option Tax Revenue policy as amended. The motion passed 5-0.**

151
152 Councilor Thibeault asked staff to research current practice around sidewalk policy and bring that back
153 to the Council for their consideration to determine what updates need to be made to the Sidewalk Policy.
154 Councilor Haney noted that one of the objectives in the Sidewalk Policy up for review is the removal of
155 sidewalks on residential streets with low density that don't provide a through connection, and cautioned
156 that sidewalks shouldn't be removed. Councilor Certa said that he interpreted that objective differently.

157 Councilor Chawla said that given LDC amendments and the Transit Oriented Development project, now
158 is a good time to review and update the Sidewalk Policy as well as the Snow Removal Policy. He agreed
159 with Councilor Thibeault that staff should conduct an initial review and bring proposed changes to the
160 Council for its consideration. Councilor Brown noted that there was a directive several years ago that
161 there be a general pause on sidewalk removal until the Sidewalk Policy is updated, and said that this
162 general pause should be continued. Councilor Chawla said that the Bike Walk Advisory Committee also
163 be given the opportunity to review and provide input.
164

165 d. Discussion and Consideration of Rental Registry & Inspection Ordinance and Warn Public Hearing
166 City Manager Mahony prefaced this discussion by noting that State statute has changed and that the
167 Division of Fire Safety are now taking over rental inspections from the Department of Health. She said
168 that rulemaking is still occurring at the State level around this and that it is unlikely that some of the
169 City's questions around how this interacts with the rental registry and inspection ordinance and new
170 position will be answered by the potential public hearing on January 24th, though they are confident that
171 the City can still move forward with its current thinking. She noted that if the City is required to staff the
172 position with a certified fire marshal, that may change the cost of the program.
173

174 Councilor Brown asked why affordable housing units would be exempted from fee and inspection under
175 this program if they are inspected by other government agencies, saying that multiple inspections may
176 be beneficial. Director Yuen replied that this exemption was suggested due to the cost of the fees as an
177 additional burden for affordable units. Councilor Haney said that some of the more affordable units in
178 the City would also benefit from additional opportunities for improvement. Councilor Chawla asked
179 whether there is a middle ground where the City could absorb the cost of inspection but still inspect
180 affordable units. Director Yuen clarified that as written, this exemption only applies to units that are
181 already inspected by another government agency.
182

183 Councilor Chawla noted that one of the definitions references him/her and asked that this be replaced
184 with "their", to make it gender-neutral.
185

186 Councilor Thibeault suggested a minor change to reference the City of Essex Junction Fire Department
187 rather than the Essex Fire Department in one section. She also asked that Section 20.08 be reviewed
188 for clarity and removing potential redundant language. She confirmed that the fee be updated to \$120.
189 She confirmed that a reinspection fee won't be charged if deficiencies are remedied within 90 days.
190

191 Councilor Brown asked that the objective around ensuring adequate life and safety of all residential
192 rental properties be modified to ensuring adequate life and safety of all renters.
193

194 Councilor Chawla asked about the mechanism to increase fees on a regular basis, given that the cost
195 of this program will increase by 3-5% every year. He asked whether fees could be increased as part of
196 the yearly budgetary process. Councilor Brown suggested that the fees could be adjusted to reflect costs
197 when that needs to occur, rather than through the budgetary process. City Manager Mahony noted that
198 the fee and costs would be included in a fee schedule as an addendum to the ordinance so that they
199 can be updated more flexibly.
200

201 Councilor Brown noted that public notice is being sent to landlords on this and also asked that it be sent
202 to renters, since it will impact both. City Manager Mahony noted that notice is being sent to landlords,
203 because the onus will largely fall on them for implementation of these requirements. Councilor Haney
204 pointed out that most landlords and renters are unaware of this potential change and that renters should
205 also be aware of this, as some landlords may likely pass the cost of the rental registration onto their
206 tenants through rent increases. She said that there is value in communicating to the public that this is
207 being implemented to increase the quality of housing stock in the community. Councilor Certa also noted
208 that the cost of the registry is valuable information for tenants to have, in case they need to question

rent increases due to the cost of the registry. He also said that this information is valuable to renters so that they know that this is an additional mechanism through which they can have potential problems with their units addressed. Director Yuen asked whether renters should be outreached now while the program is still being designed or once the ordinance is passed. Councilor Haney noted that they can be outreached through the public hearing process. Councilor Chawla suggested that the communications matrix and rubric be used to determine whether an initial mailing to renters and landlords be conducted prior to the passage of the ordinance, in addition to once the ordinance is passed. Councilors discussed the cost of an additional mailing, and City Manager Mahony said that they will move forward with it as long as the budget and staff bandwidth allow.

ANDREW BROWN made a motion, seconded by MARCUS CERTA, that the City Council warn a public hearing for the Rental Registry and Inspection Ordinance to be held on January 24, 2024. The motion passed 5-0.

e. Discussion and Consideration of Urban Forestry Grant for Trees for Main St. Park
 City Manager Mahony said that the City was exploring the use of this grant to offset the cost for the trees in the park at 1 Main Street, but that on Budget Day it was made clear that the Council would like to prioritize work on the Amtrak Station over the pocket park at 1 Main Street. She said that the City is now exploring whether other options exist for this grant. She said that they would like the flexibility to be able to apply for this grant if they are able to determine an alternative qualifying use for the funding. She noted that the application deadline is January 5th.

RAJ CHAWLA made a motion, seconded by MARCUS CERTA, that the City Council authorize the City staff to apply for the Communities Caring for Canopy grant for use at staff discretion. The motion passed 5-0.

f. *Discussion regarding Contract
 See Item #8a below.

6. CONSENT AGENDA

- a. Approve Check Warrant #24025 (11/17/2023) & #24027 (12/01/2023)
- b. Approve Meeting Minutes: November 8, 2023
- c. Approve Tobacco License for Ariana Natural Market LLC, 4 Pearl St.
- d. Approve Council Meeting Policy – Second Version
- e. Approve adding VMERS Defined Contribution Option
- f. Approve Agreement with Chittenden County Regional Planning Commission for Transit Oriented Development Project
- g. Approve Amtrak Project Pre-Award Authority Request and RFP Process
- h. Approve Price Increase for Whitcomb Farm Biosolids Land Application Agreement
- i. Approve Support for Vermont Access Network’s Proposed Legislation
- j. Approve Re-appointment of M. Pauer Tursi to the Chittenden County Communications Union District
- k. Approve Tree Farm Management Group non-profit status extension

ANDREW BROWN made a motion, seconded by ELAINE HANEY, to approve the consent agenda as presented. The motion passed 5-0.

7. READING FILE

- a. Council & Manager member comments: City Manager Mahony provided clarification about the CVE letter, saying that it has been amended to reflect that any firework use must follow the Sound Indemnification Agreement process. She noted that EJRP received \$1,900 in donations and purchased new winter gear for 50 children in need in the City. She noted that the City’s infrastructure

- 260 held up well during the most recent rainstorm and thanked South Burlington’s treatment facility for
- 261 supplying material that was lost during the storm.
- 262 b. Senior Update & SSTA Application
- 263 c. Essex Community Justice Center Newsletter
- 264 d. Champlain Valley Expo Permit
- 265 e. Efficiency Vermont Article featuring the Wastewater Treatment Plant
- 266 f. The Vermont GaN (V-GaN) Semiconductor Tech Hub
- 267 g. Brownell Library Report October 2023
- 268 h. Capital Review Committee Draft Minutes 11/7/23
- 269 i. Planning Commission Minutes 11/9/23 & 12/6/23
- 270 j. Development Review Board Minutes 11/16/23
- 271 k. Bike Walk Advisory Committee Minutes 11/20/23
- 272 l. Tri-Town Joint Review Committee Minutes 11/30/23
- 273 m. Brownell Library Trustee Draft Minutes 11/21/23

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275 8. **EXECUTIVE SESSION**

- 276 a. *An executive session may be needed to discuss a contract

277

278 **RAJ CHAWLA made a motion, seconded by ANDREW BROWN, that the City Council make the**

279 **specific finding that general public knowledge of a contract would place the City at a substantial**

280 **disadvantage. The motion passed 5-0.**

281

282 **RAJ CHAWLA made a motion, seconded by ANDREW BROWN, that the City Council enter into**

283 **executive session to discuss a contract, pursuant to 1 V.S.A. Section 313(a)(1)(A) to include the**

284 **City Council, City Manager, Finance Director, Wastewater Treatment Facility Director, and HR**

285 **Director. The motion passed 5-0 at 8:33 P.M.**

286

287 **ANDREW BROWN made a motion, seconded by ELAINE HANEY, to exit executive session. The**

288 **motion passed 5-0 at 9:52 P.M.**

289

290 9. **ADJOURN**

291

292 **ANDREW BROWN made a motion, seconded by ELAINE HANEY, to adjourn the meeting. The**

293 **motion passed 5-0 at 9:52 P.M.**

294

295 Respectfully Submitted,

296 Amy Coonradt