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**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
April 24, 2024**

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

ADMINISTRATION: Regina Mahony, City Manager; Chelsea Mandigo, Water Quality Superintendent; Harlan Smith, Interim Buildings Coordinator;

OTHERS PRESENT: Mike Hoey, Tim Miller, Dennis Thibeault, Resa.

1. **CALL TO ORDER**

Councilor Chawla called the meeting to order at 6:30 P.M.

2. **AGENDA ADDITIONS/CHANGES**

City Manager Mahony recommended removing Agenda Item #6e, saying it will not be necessary.

3. **APPROVE AGENDA**

Councilor Certa made a motion, seconded by Councilor Brown, to amend the agenda and remove Business Item, #6e. The motion passed 5-0.

4. **PUBLIC TO BE HEARD**

a. Comments from public on items not on the agenda

Resa spoke about the election results, noting that the majority of the ballots were mailed in. She said that this underscores the importance of having a ballot box available for dropping off ballots, given that the postal service has been unreliable, especially as the nation gears up for another major election in November 2024. She also thanked Councilor Brown for his years of service on the Village Trustees and City Council. City Manager Mahony noted that the City has a new ballot box located outside of the Teen Center, which will be accessible during the renovation of 2 Lincoln Street.

5. **RECOGNITION**

a. Consider Resolution of Appreciation: Andrew Brown

Councilor Certa read a resolution of appreciation regarding Andrew Brown into the record, as follows:

WHEREAS Andrew Brown was elected to the Village of Essex Junction Board of Trustees in 2012;

WHEREAS Andrew with the end of his term as a City Councilor on April 24, 2024, concluding 12 years of dedicated service and leadership to the Village and City of Essex Junction; and

WHEREAS during that time Andrew held the role of President of the Essex Junction Board of Trustees from April 2019 to June 2022; and

WHEREAS during that time Andrew held the role of President of the Essex Junction City Council from June 2022 to April 2023; and

WHEREAS Andrew held the role of Chair of the Capital Review Committee from July 2012 to August 2019; and

WHEREAS Andrew helped guide the Essex Junction Board of Trustees and Town of Essex Selectboard through a sustained governance change effort that resulted in the establishment of the City of Essex Junction as a fully independent municipal government; and

WHEREAS Andrew's steady, energetic, and forward-thinking leadership guided his fellow board members through the process of drafting a municipal charter for the independent City of Essex

Junction within the remarkable brief time of four months in 2021 in time for voter approval in November and presentation to the Vermont legislature at the start of the 2022 legislative session; and

WHEREAS Andrew’s commitment to inclusivity and democratic participation inspired him to lead the transition to Australian Ballot for Essex Junction’s annual meeting; and

WHEREAS Andrew led the Essex Junction Board of Trustees and the City of Essex Junction City Council through Covid; and

WHEREAS Andrew led the hiring of the first City municipal manager;

NOW THEREFORE BE IT RESOLVED

That the City Council on behalf of the staff and the citizens of the City of Essex Junction hereby extend our most sincere appreciation to Andrew for his commitment and dedicated years of service to the residents of Essex Junction, adopted this day, Wednesday, April 24, 2024 by the Essex Junction City Council.

Councilor Certa made a motion, seconded by Councilor Haney, to adopt the resolution of appreciation for Andrew Brown. The motion passed 5-0.

Councilors expressed their gratitude for Councilor Brown’s dedication and service on Essex Junction’s governing body.

6. BUSINESS ITEMS

a. Discussion And Consideration of City Council Meeting Disruptions and Meeting Policy

City Manager Mahony noted that staff has been conducting research on how to handle disruptive speech and hate speech during public meetings while balancing protections for First Amendment rights. She said that time, place, and manner restrictions on speech are permissible, such as when someone is being unruly, having outbursts regardless of what they are saying, or are disrupting the order of the meeting. She said that speech cannot be limited solely based on the content of the speech. She spoke about what Burlington and Winooski have been implementing to prevent the Zoom bombings that have occurred at their public meetings. She said that Burlington, for example, requires a participant to sign up to register for the meeting, which seems overly burdensome. She noted that Essex Junction has implemented waiting room functionality in its meetings, and that the FY25 budget provides for a move to a webinar function for meetings.

She said that overall, City Council meetings are meetings for this body to discuss items within its purview, and that there is room for the Council to shut down conversation in public forum if it is not germane to the body. Councilor Chawla said that this could be a nuance the Council can use to mitigate some of the disruptive speech.

Councilor Certa asked about the ultimate goal of this discussion, saying that he agrees that the Council needs to be able to conduct its business while also allowing the public to raise issues that pertain to the community. Councilor Chawla agreed, saying that the Council must represent the community and allow them to have a voice for their issues in the community. He acknowledged that these meetings are also not the best way to engage with the public. Councilor Thibeault said that the language within the City’s meeting procedure should be modified to align with that of the Vermont League of Cities and Towns (VLCT) model, restricting meeting topics to those that are germane to the body. She said that this alignment could restrict disruptive speech. Councilor Haney emphasized the importance of maintaining a space for the public to be heard on topics not on the agenda (though they might be relevant to the business of the City). She spoke about Burlington’s model of allowing the public to have two minutes of time for each individual to speak regardless of topic. She suggested having warnings for each meeting once their recordings are on YouTube, if they contain hate speech.

104
105 Councilor Certa asked what the Council would deem reasonable restrictions for public speech at its
106 meetings. He suggested several options, including time restrictions or in-person-only options for public
107 comment. Councilor Brown cautioned that relying too heavily on Robert's Rules of Order can lead to
108 unproductive meetings, though he said that calling the question and ensuring that the public is speaking
109 to the topic at hand can be a useful tool for keeping meetings on track. Councilor Chawla said that if
110 restrictions are put into place, the City Council must work harder to engage with the public through other
111 avenues. Councilor Haney said that she does not believe that these restrictions will change the level of
112 participation in the Council meetings. Councilor Thibeault suggested that City staff look into the time
113 limits other municipalities have in place for the public forum portion of their meetings, as well as aligning
114 the procedure for Essex Junction with that of VLCT. Councilor Certa asked whether requiring someone
115 to go on camera to give public comment may make a difference and prevent Zoom bombings. Councilor
116 Chawla said he is unsure whether that would prevent people from speaking who are participating by
117 phone.

118
119 Councilor Haney noted that the City's policies for public meetings cover civility and decorum but asked
120 about swearing and whether that is prohibited. Councilor Certa said that they have to allow an amount,
121 but that they can place a limit on that amount. He said that using one expletive for emphasizing a point
122 is different than using extensive profanity.

123 The City Council discussed the recommended actions related to this topic proposed by staff. Councilor
124 Chawla expressed support for adopting recommendation #2 (revising the City's meeting statement), #3
125 (aligning the public participation section of the current meeting policy with VLCT's public participation
126 section and adopting VLCT's Model Rules for Public Participation in a Municipal Meeting), and #4
127 (advising staff on incorporating additional content from VLCT's new Model Rules and Procedures for
128 Municipal Public Bodies). He asked whether the City would need to also implement recommendation #1
129 if it is implementing #3 and #4. City Manager Mahony replied that they can align the City's policy with
130 the VLCT policy and also address the City Attorney's concern on recommendation #1. She said that
131 staff will take this back as an action item and bring something forth for consideration at a future City
132 Council meeting.

133
134 Buildings Coordinator Smith noted that Robert's Rules allow for municipal meetings to restrict public
135 comment to residents, though in the past the City has been reluctant to pursue this, as it views a broader
136 range of input to be more valuable. He suggested displaying the rules of public forum right before the
137 public forum portion of a meeting's agenda.

138
139 b. Discussion of Budget Process & Improvements

140 City Manager Mahony said that now would be a good opportunity to review the budget process and
141 future improvements, given that the FY25 budget process is wrapping up. She noted that for future fiscal
142 years, the Council and will have the strategic plan as a guide for aiding in the development of future
143 budgets. She noted that the City is currently in association negotiations and will have an executed
144 contract for the next fiscal year, which will also aid in budget development. She also noted that they will
145 explore performance budgeting for future years.

146
147 Councilor Certa said that starting earlier and doing deeper dives with department heads could help
148 prepare for more informed discussions on the budget when the time comes. City Manager Mahony said
149 that some boards have a retreat around this time of year which is where strategic plan goal-setting
150 occurs, which then helps inform the budget process that happens next. Councilor Thibeault said that the
151 Council needs to be firmer about its budget goals at the beginning of the budget process, rather than
152 after department heads have put their budgets together. She suggested being more proactive in the
153 check-ins with department heads about focusing on budgetary implications for their work for the coming

154 fiscal year. She said that the turnout for the community meal and budgetary discussion was impressive
155 and successful, and said that the City should continue holding this community event. Councilor Haney
156 agreed that the Council should set an expectation on what's allowable for the next fiscal year's budget
157 at the outset. She also recommended that each department also prepare a level-funded budget, just in
158 case. She also suggested that each Councilor be assigned a department or several department budgets
159 and be responsible for thoroughly learning those budgets and speak to them during budget development
160 at the Council. She also said it would be helpful to have the enterprise fund figures alongside the General
161 Fund budget figures to see the full picture of the budget. She also suggested holding local neighborhood
162 conversations about the budget. Councilor Brown said that the budget needs to be led by what the long-
163 term vision is for the community, which is why the strategic planning is so critical. He said that this also
164 helps with preventing a budgetary approach that is reactionary. Councilor Chawla said that the City
165 needs to continue to work toward providing budget information to the community in plain English that
166 can be understood by the average layperson. He also agreed with the suggestion of preparing a level-
167 funded budget as an alternative option each fiscal year. Councilor Certa said that the Council also needs
168 to agree internally about how it approaches both the budget and each department's budget review.
169 Councilor Chawla said that he would like to avoid having a Council Budget Day, if all of these
170 improvements can be made. Councilor Haney noted that in holding a budget day, the Council avoids
171 having to hold six budget nights. City Manager Mahony noted that from staff's perspective, one budget
172 day is more helpful than six budget nights. She said that she would like to revisit this topic with the
173 Council again in June.

174
175 c. Discussion and Consideration of Service Agreement with UVM for MS4 Compliance Fellowship
176 Water Quality Superintendent Mandigo said that this relates to a fellowship research project pertaining
177 to determining the benefits and drawbacks of taking a regional approach to MS4 permit compliance, and
178 that this project was sponsored by six municipalities, including Essex Junction. She also noted that
179 Andrew Brown was selected to be the fellowship candidate once his term on the Essex Junction City
180 Council ends. She said that this item tonight pertains to approving the service agreement with UVM,
181 which is also contributing funding support for the fellowship. Councilor Certa asked how this would play
182 into the creation of a stormwater utility. Water Quality Superintendent Mandigo said that the stormwater
183 utility would fund many of the MS4 requirements that the City is required to meet. She said that this
184 project in particular could help to find savings in taking a regional approach to meeting some of these
185 requirements.

186
187 **Councilor Haney made a motion, seconded by Councilor Certa, to approve this service**
188 **agreement and authorize the City Manager to sign it. The motion passed 4-0 (Councilor Brown**
189 **abstaining).**

190
191 d. *Discussion and Consideration of an Executive Session to discuss a Contract
192 See item #9a below.

193
194 e. **Discussion and Consideration of an Executive Session to discuss Confidential Attorney-Client
195 Communications - **Agenda Item Removed**

196
197 **7. CONSENT ITEMS**

- 198 a. Approve Meeting Minutes: April 1, April 3, and April 10, 2024
199 b. Acting as Liquor Control Commission: Liquor License Approvals
200 c. Approve Memorial Day Banner Application
201 d. Approve Memorial Day Parade Road Closure Application
202 e. Approve Award Bid for 2024 Resurfacing Projects
203

204 **Councilor Haney made a motion, seconded by Councilor Certa, to approve the consent agenda**
205 **as presented. The motion passed 5-0.**
206

207 **8. COUNCILOR COMMENTS & CITY MANAGER REPORT**

208 City Manager Mahony reported that the Crescent Connector Project has started up again. She noted
209 that there will be a water shut-off on Monday evening, and those who will be impacted by this have
210 already been notified. She spoke about alternative access to the businesses affected by construction.
211 She noted the addition of a ballot box at the Teen Center. She noted that a second school budget vote
212 is being held on May 7th at the Champlain Valley Expo from 7:00 AM to 7:00 PM, and ballots are not
213 being mailed out, but can be obtained at the Clerk's Office if not voting in person on voting day.
214

215 Councilor Haney asked about the trees that have been downed at Cascade Park and asked whether
216 these trees are being cleared away. She also asked about the condition of the park and when the courts
217 will be ready. She noted that she, in partnership with Lori Houghton and Bridget Myer, will hold two
218 community Zoom sessions on economic development in the City on May 16 and May 23. She noted
219 keynote speakers for both sessions. Buildings Coordinator Smith provided an update on Cascade Park,
220 noting that the nets for the courts should be up by the end of the week, but that they cannot remove the
221 downed trees until the ground dries out enough to safely move equipment into the park to remove them.
222 He also noted that they will work to patch some of the courts as well.
223

224 Councilor Certa noted that preliminary results from the second strategic planning survey are available,
225 and that the consultant working with the City on the strategic planning project will be discussing them
226 further soon. City Manager Mahony said that the results are available on the website and that there is
227 another survey that will go to Council, committee members, and staff to get to a deeper level on actions,
228 and that the report will be brought forward to the Council on May 22nd for their consideration.
229

230 Councilor Brown spoke about his time serving on the Council and thanked the Council for their
231 collaboration over the past twelve years. He also thanked the community for their support during his
232 years of service.
233

234 **9. READING FILE**

- 235 a. Warrant #24042, 04/19/2024
 - 236 b. Annual Meeting Results from 4/9/2024
 - 237 c. Capital Review Committee Meeting Minutes 4/2/2024
 - 238 d. Planning Commission Meeting Minutes 4/4/2024
- 239

240 **10. EXECUTIVE SESSION**

- 241 a. *An Executive Session may be needed to discuss a contract
- 242

243 **Councilor Chawla made a motion, seconded by Councilor Brown, that the City Council make the**
244 **specific finding that premature disclosure of the contractual matters would place the city at a**
245 **substantial disadvantage. The motion passed 5-0.**
246

247 **Councilor Chawla made a motion, seconded by Councilor Brown, that that the City Council enter**
248 **into executive session to discuss a contract, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the**
249 **City Council and City Manager. The motion passed 5-0 at 8:07 P.M.**
250

251 **Councilor Haney made a motion, seconded by Councilor Brown, to exit executive session. The**
252 **motion passed 5-0 at 8:35 P.M.**
253

254 b. **An Executive Session may be needed to discuss Confidential Attorney-Client Communications
255 No discussion. The agenda item associated with this potential executive session was removed from the
256 agenda.**

257
258 11. **ADJOURN**

259
260 **Councilor Brown made a motion, seconded by Councilor Chawla, to adjourn the meeting. The**
261 **motion passed 5-0 at 8:36 P.M.**

262
263 Respectfully Submitted,
264 Amy Coonradt