



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

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, December 14, 2022
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. **PUBLIC HEARING**
 - a. Public Hearing on Proposed Municipal Ordinance Updates to Remove Redundancies
6. **BUSINESS ITEMS**
 - a. Consider Resolutions of Appreciation: Bernie Fleury and Jerry Firkey
 - b. Discussion and consideration of Chittenden Solid Waste District applicants: John O'Brien and Mike Sullivan
 - c. Presentation on the Housing Trust Fund proposal from the Housing Commission, Katie Ballard
 - d. Discussion and consideration of Champlain Valley Expo Financial Agreement
 - e. Discussion and consideration of 1 Maple Street Park Budget and Grant Application
 - f. New Website Tutorial
 - g. Conversation with Recreation and Parks Director Brad Luck
 - h. Discussion and consideration of Green Mountain Transit & Winooski Valley Park District Representatives & Communications Union District
 - i. *Discussion and consideration of Tree Farm Management
 - j. **Discussion and consideration of Local Cannabis Control Commission Appeal
 - k. *** Discussion and consideration of a Land Use Violation
 - l. ****Discussion regarding the new City Manager 3-month Check-in
7. **CONSENT ITEMS**
 - a. Approve Check Warrants #17329 (11/02/2022); #17330 (11/18/2022); #17331 (12/02/2022); and #17332 (12/09/2022)
 - b. Approve Minutes: November 9, 2022; Cannabis Control Minutes: November 9, 2022; Liquor Control Board Minutes: November 9, 2022
 - c. Better Roads Grant Application for Athens Dr Outfall Stabilization
 - d. Brickyard Rd Culvert Crossing Replacement Bid Award
 - e. Municipal Ordinance Updates to Remove Redundancies
 - f. Intent to Cancel Shared Bank Account Agreement
8. **READING FILE**
 - a. Board member comments
 - b. Community Justice Center Fall Newsletter
 - c. Reappraisal Overview
 - d. Brownell Library – October Report
 - e. Joint Housing Committee Minutes: November 2, 2022

- f. Planning Commission Minutes: November 10, 2022
- g. Development Review Board Minutes: November 17, 2022
- h. Bike/Walk Advisory Committee Minutes: November 28, 2022

9. **EXECUTIVE SESSION**

- a. * An executive session may be needed to discuss negotiating or securing real estate purchase or lease options
- b. ** An executive session may be needed to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body
- c. *** An executive session may be needed to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the body
- d. **** An executive session may be needed to discuss personnel matters

10. **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. 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
MINUTES OF MEETING
December 14, 2022**

COUNCILORS PRESENT: Andrew Brown, President; Raj Chawla, Vice President; Dan Kerin; Amber Thibeault; George Tyler.

ADMINISTRATION: Regina Mahony, City Manager; Brad Luck, Essex Junction Recreation & Parks Director; Chelsea Mandigo, Water Quality Superintendent; Ashley Snellenberger, Communications & Strategic Initiatives Director

OTHERS PRESENT: Katie Ballard, David Burton, Ned Daly, Will Dodge, Rick Hamlin, John O'Brien, Tim Shea, Ken Signorello, Mike Sullivan, Irene Wrenner.

1. **CALL TO ORDER**

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

2. **AGENDA ADDITIONS/CHANGES**

None.

3. **APPROVE AGENDA**

No approval needed.

4. **PUBLIC TO BE HEARD**

a. Comments from public on items not on the agenda

Will Dodge, a member of the Essex Energy Committee, spoke about the committee's mission to educate the community about energy, weatherization, electric vehicle adoption, and renewable energy development. He noted that it is currently a joint committee and requested that the committee remain a committee that serves both municipalities.

5. **PUBLIC HEARING**

a. Public Hearing on Proposed Municipal Ordinance Updates to Remove Redundancies

City Manager Mahony said that this update would rescind a number of components in the existing municipal ordinances that are now redundant based on the new public nuisance ordinance that was passed.

There was no public comment.

6. **BUSINESS ITEMS**

a. Consider Resolutions of Appreciation: Bernie Fleury and Jerry Firkey

Councilor Tyler read the resolution for Bernie Fleury into the record:

WHEREAS Bernie Fleury was hired by the City of Essex Junction as Wastewater Operator on March 12, 1979;

WHEREAS since that time, Bernie's in-depth knowledge and experience has led him to hold roles as Assistant Chief and Chief Operator for over 30 years, training, mentoring and guiding new and seasoned operators;

WHEREAS Bernie will retire on December 16, 2022, as the longest continuous serving employee with 44 years of dedicated service, leadership, knowledge and experience at the Wastewater Treatment Facility;

WHEREAS Bernie has witnessed, participated and given input in every upgrade that has occurred at the facility and remote pumping stations including the addition of secondary treatment and sludge

54 management (1983), the gravity belt thickener and equalization building addition, 2011 Maintenance
55 upgrade, upgrades to West Street, Susie Wilson Rd and the High School pump stations.

56 WHEREAS Bernie has assisted with several innovative and cutting-edge pilot programs at the facility
57 including a phosphorus reduction and recovery process (Pe-phlo) in partnership with UVM and Vermont
58 Phosphorus Innovation Challenge and a protein matrix grease reduction management program in
59 anaerobic digesters.

60 WHEREAS Bernie was an active member of several trade organizations including the New England
61 Water Environment Association and Green Mountain Water and Environment Association; he was a
62 member of the operations team called Sewer Marines representing Vermont and New England at
63 regional and national wastewater operation challenge competitions, placing in several categories;
64 WHEREAS Bernie received the Wastewater Operator Excellence Award from Green Mountain Water
65 Environment Association for outstanding service in water pollution control in 2020; WHEREAS Bernie
66 sense of humor, teamwork, leadership, passion for doing a job thoroughly, teaching others and historical
67 knowledge of the facility will be tremendously missed.

68
69 NOW, THEREFORE BE IT RESOLVED On this day, Wednesday, December 14, 2022, the Essex
70 Junction City Council expresses its appreciation to Bernie for his dedicated career at the Essex Junction
71 Wastewater Facility. We thank you for your time and service to our community.

72
73 **DAN KERIN made a motion, seconded by GEORGE TYLER, to approve the resolution for Bernie
74 Fleury. The motion passed 5-0.**

75
76 Councilor Tyler read the resolution for Jerry Firkey into the record:

77
78 WHEREAS Jerry Firkey has been the Essex Town and Junction Health Officer for forty-seven (47) years;
79 WHEREAS Jerry's term will end on December 31, 2022, ending his fifty (50) year service as a Vermont
80 Health Officer;

81 WHEREAS Jerry has worked in difficult and stressful situations with empathy for the parties involved;
82 WHEREAS Jerry has assisted the City with rental housing complaints, rodent issues and countless
83 public health issues;

84 WHEREAS Jerry's dedication to the health and safety of this community has been invaluable and will
85 be missed.

86
87 NOW, THEREFORE BE IT RESOLVED On this day, Wednesday, December 14, 2022, the Essex
88 Junction City Council expresses its appreciation to Jerry for his dedicated service as Health Officer. We
89 thank you for your time and service to our community.

90
91 **GEORGE TYLER made a motion, seconded by DAN KERIN, to approve the resolution for Jerry
92 Firkey. The motion passed 5-0.**

93
94 b. Discussion and consideration of Chittenden Solid Waste District (CSWD) applicants: John O'Brien
95 and Mike Sullivan

96 Mike Sullivan spoke about his interest in the position. He noted his background as an engineer and his
97 collaborative nature. Councilor Brown confirmed that the Applicant would be able to attend meetings
98 and represent Essex Junction.

99
100 John O'Brien spoke about his interest in the position and in the topic of waste and recycling in general.
101 Councilor Brown confirmed that the Applicant would be able to attend meetings and represent Essex
102 Junction.

103

104 The Council decided it would consider the applicants in executive session at one of its January 2023
105 meetings.

106
107 c. Presentation on the Housing Trust Fund proposal from the Housing Commission – Katie Ballard
108 Katie Ballard, Chair of the Joint Housing Commission provided a brief presentation on the Commission’s
109 proposal on the Housing Trust Fund. She said that establishing a Housing Trust Fund (HTF) was
110 identified as an action item during a needs assessment conducted in 2018 and has been a priority over
111 the last several years. She noted that a housing trust fund is a flexible source of funding to support
112 activities related to affordable housing and could be a source of local match funds and supported by
113 private donors. She noted that the vast majority of states, as well as numerous counties and
114 municipalities, have established housing trust funds. She said that a housing trust fund in Essex and
115 Essex Junction could increase housing stock and used to leverage other funds to support affordable
116 housing. She provided examples of how the funds could be used and accessed. She spoke about
117 possible funding mechanisms, which included property taxes, a Local Option Tax, payment-in-lieu from
118 inclusionary zoning (if inclusionary zoning is established), grants, donations, and other mechanisms.
119 She spoke about process and timeline, including research, community outreach, presenting the findings
120 to the Town Selectboard and City Council, finalizing policies and financing, and then putting forth the
121 proposal for public vote at Town/City meetings. She asked the City Council what its priorities are, how
122 it would support the HTF, who would administer the HTF, and what additional information the
123 Selectboard would need to make decisions.

124
125 Councilor Brown said he is supportive of a local Housing Trust Fund. He asked what kinds of actions
126 other communities are taking and how they have used this funding. He asked specifically what type of
127 impact this has had on communities with HTFs. He asked about the timing for determining funding usage
128 and mission. Ms. Ballard replied that the Housing Commission could provide examples of specific uses
129 from other HTFs in Vermont. Councilor Brown expressed support for public engagement.

130
131 Councilor Chawla asked if the HTF would use an initial infusion of funding for start-up and then other
132 mechanisms would act as revenue streams, or if the Junction would need to budget for it annually. Ms.
133 Ballard replied that it is a mix of an initial infusion, yearly contributions, and revenue streams. Councilor
134 Chawla asked how this would work in the City, given that the City is quite built out. Ms. Ballard said that
135 she will work to update the City Council on a regular basis on the Commission’s activity around HTFs.

136
137 Councilor Thibeault asked what other communities in Vermont are doing around HTFs. She said it may
138 be helpful to put together an inventory of existing HTFs in other municipalities and how they function.

139
140 Councilor Kerin said that the City will likely need to look at its zoning regulations and Land Development
141 Code in order to increase housing, given that the City can’t be built out. Ms. Ballard replied that the
142 Commission has been reviewing the LDC and zoning regulations around increasing housing.

143
144 Councilor Tyler suggested that Ms. Ballard return to the Council and report out on recommendations
145 based on the public outreach and surveys it puts out. He noted that there may need to be special
146 outreach to the senior demographic, given that they may not be as easily reached via survey as other
147 demographics.

148
149 d. Discussion and consideration of Champlain Valley Expo Financial Agreement
150 City Manager Mahony said that there is a recommendation on the table for extending the financial
151 agreement between CVE and Essex Junction.

152

153 Councilor Chawla noted that the voluntary cash donation amount is \$15,000, even though it had been
154 higher in previous years and was slated to increase. Councilor Thibeault agreed, noting that the amount
155 should have started where it had left off in prior years (approximately \$15,200), with a 2% increase each
156 year.

157
158 Councilor Thibeault noted that this had previously been a three-year contract and is now a five-year
159 contract, and asked why. City Manager Mahony said that if this contract is a five-year contract, then they
160 can align other related contracts to the same timeframe. Councilor Thibeault said that she had thought
161 they were removing the donation use section of the contract, in order to give the City the flexibility to use
162 the funding as it sees fit. Councilor Thibeault also noted a reference to the Unified Manager.

163
164 Councilor Tyler said that he is comfortable with the current base donation of \$15,000 with yearly
165 increases.

166
167 Tim Shea of Champlain Valley Expo said he would be comfortable with picking up where the donation
168 left off, at \$15,606.

169
170 The Council made amendments to paragraph 1 to modify the donation amount to start at \$15,600,
171 reference "four subsequent annual donations" and modify the last date to be June 15, 2027; deleted
172 paragraph 2 in its entirety; in paragraph 9 replaced "Unified Manager's Office" with "City Manager's
173 Office" and inserted language that a copy of the agreement be sent to the City Council.

174
175 **DAN KERIN made a motion, seconded by RAJ CHAWLA, that the City Council authorize the City**
176 **Manager to enter the Financial Agreement with Champlain Valley Expo from January 2023**
177 **through December 2027, with the amendments as presented by the Council. The motion passed**
178 **5-0.**

179
180 e. Discussion and consideration of 1 Maple Street Park Budget and Grant Application
181 City Manager Mahony said that after the Council's October 26 discussion about 1 Main Street Park,
182 David Burton prepared a draft cost estimate based on the conceptual design. She noted that the
183 estimate is significantly higher than what the original proposed budget amount had been. She noted that
184 the estimate of \$430,000 does not include the pergola structure, shade sails, lighting, or soil work. She
185 said that the City will apply for a \$200,000 Downtown Transportation Fund grant in the spring to defray
186 costs. She said that the Council should discuss whether they can pare down the budget or phase in
187 some of the work.

188
189 David Burton said that some of the project could be phased in, such as the pergola and fencing. He said
190 that the plantings and trees should go in during the initial round of construction. Councilor Brown asked
191 if it could be phased such that \$200,000 would be spent in the second phase. Mr. Burton replied that
192 they could install the pergola and fencing structures in a second phase. He cautioned that the budget
193 figures are estimates and could be higher than what bids would come in at. Councilor Brown agreed
194 that they should be conservative.

195
196 Councilor Tyler expressed full support for this project, saying that he views this as a major improvement
197 and economic development project. He said that it would go well towards becoming a focal point of their
198 community.

199
200 Councilor Thibeault said she supports the project but expressed concern about cost. She said that
201 between this project and the Amtrak project, they are committing around \$1.3 million from the economic

202 development fund. She said she would like to keep some reserves in the economic development fund.
203 She said that if there are funding concerns, phasing this project makes sense.

204
205 Councilor Chawla said that he would like to continue discussing the Fiscal Year 2024 budget prior to
206 making a decision on this project. He said he supports the project but would like to place it in the context
207 of the entire City budget.

208
209 Rick Hamlin spoke as a member of the design team, saying that a phasing approach makes sense.

210
211 Mr. Burton noted that in terms of timing, February would be a good time to put out a bid on this project.

212
213 f. New Website Tutorial

214 Communications Director Snellenberger said that the City launched a redesigned website on November
215 30, 2022. She walked through some of the new site features, including a Quick Answers button, a new
216 meeting calendar, changes to increases accessibility (larger and higher contrasts fonts), a community
217 events calendar, and a redesigned, separate Essex Junction Recreation & Parks website.

218
219 g. Conversation with Recreation and Parks Director Brad Luck

220 Director Luck spoke at some of EJRP's activities. He noted that the department offers summer day
221 camps for 9 or 10 weeks during the summer for around 450 kids. He said that the City's summer day
222 camps have longer hours and a longer season for less money than other surrounding municipalities. He
223 spoke about the importance of this type of childcare for kids in the community. He noted that the City is
224 a regional attraction for its outdoor pool, since some neighboring municipalities don't have a municipal
225 pool. He said that there is high demand for EJRP's camps and programs. He noted other EJRP offerings,
226 including community gardens, after school camps, vacation day camps, regional events, youth and adult
227 basketball, and running programs. He spoke briefly about the department's program and general fund
228 budgets. He noted increases in fees as a result of wage increases, and spoke briefly about the difficulty
229 around recruitment and retention of licensed childcare workers, though they currently only have one full-
230 time position vacancy. He spoke about renovation needs around replacing the basketball and tennis
231 courts.

232
233 h. Discussion and consideration of Green Mountain Transit & Winooski Valley Park District
234 Representatives & Communications Union District

235 City Manager Mahony said that the City is now a member of each of these associations and that it needs
236 to choose representatives to serve on them. She noted that she is willing to serve as the representative
237 to the Communications Union District until its governance structure is up and running.

238
239 Councilor Brown expressed his interest in serving as a representative to Green Mountain Transit.
240 Councilor Chawla said that he would be willing to serve as the alternate.

241
242 Councilor Tyler said he would be willing to serve as the representative to the Winooski Valley Park
243 District. Councilor Kerin said he would serve as the alternate.

244
245 **GEORGE TYLER made a motion, seconded by DAN KERIN, to appoint Andrew Brown to the**
246 **Green Mountain Transit Board of Commissioners with Raj Chawla as the alternate, move to**
247 **appoint George Tyler to the Winooski Valley Park District Board of Trustees with Dan Kerin as**
248 **the alternate, and further move to appoint Regina Mahony to the Chittenden County**
249 **Communications Union District. The motion passed 5-0.**

250
251 i. *Discussion and consideration of Tree Farm Management

252 See item #9a below.

253
254 j. ****Discussion and consideration of Local Cannabis Control Commission Appeal**

255 See item #9b below.

256
257 k. *****Discussion and consideration of a Land Use Violation**

258 See item #9c below.

259
260 l. ******Discussion regarding the new City Manager 3-month Check-in**

261 See item #9d below.

262
263 **7. CONSENT AGENDA**

264 a. Check warrants: #17329 (11/02/2022); #17330 (11/18/2022); #17331 (12/02/2022); and #17332
265 (12/09/2022)

266 b. Approve minutes: November 9, 2022; Cannabis Control Minutes: November 8, 2022; Liquor Control
267 Board Minutes; November 9, 2022

268 c. Better Roads Grant Application for Athens Dr Outfall Stabilization

269 d. Brickyard Rd Culvert Crossing Replacement Bid Award

270 e. Municipal Ordinance Updates to Remove Redundancies

271 f. Intent to Cancel Shared Bank Account Agreement

272
273 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the consent agenda. The**
274 **motion passed 5-0.**

275
276 **8. READING FILE**

277 a. Board Member Comments: none.

278 b. Community Justice Center Fall Newsletter

279 c. Reappraisal Overview

280 d. Brownell Library – October Report

281 e. Joint Housing Committee Minutes: November 2, 2022

282 f. Planning Commission Minutes: November 10, 2022

283 g. Development Review Board Minutes: November 17, 2022

284 h. Bike/Walk Advisory Committee Minutes: November 28, 2022

285
286 **9. EXECUTIVE SESSION:**

287 a. *An executive session may be needed to discuss negotiating or securing real estate purchase or
288 lease options

289
290 **ANDREW BROWN made a motion, seconded by GEORGE TYLER, to find that premature general**
291 **public knowledge regarding contracts associated with the Tree Farm Recreation Facility would**
292 **clearly place the City at a substantial disadvantage, because the Council risks disclosing its**
293 **negotiation strategy if it discusses the contract terms in public. He further moved that the City**
294 **Council go into executive session to discuss contracts under the provisions of Title 1, Section**
295 **313(a)(1) of the Vermont Statutes and to negotiate or secure real estate purchase or lease options**
296 **under Title 1, Section 313(a)(2) of the Vermont Statutes, and include Regina Mahony, Brad Luck,**
297 **and Harlan Smith. The motion passed 5-0.**

298
299 b. ****An executive session may be needed to discuss confidential attorney-client communications made**
300 **for the purpose of providing professional legal services to the body**
301

302 **ANDREW BROWN** made a motion, seconded by **GEORGE TYLER**, that the City Council make the
303 specific finding that general public knowledge of confidential attorney-client communications
304 would place the city at a substantial disadvantage. He further moved that the City Council enter
305 into executive session to discuss confidential attorney-client communications, pursuant to 1
306 V.S.A. § 313(a)(1)(F) to include the City Council and City Manager. The motion passed 5-0.

307
308 c. ***An executive session may be needed to discuss confidential attorney-client communications
309 made for the purpose of providing professional legal services to the body

310
311 **ANDREW BROWN** made a motion, seconded by **DAN KERIN**, that the City Council make the
312 specific finding that general public knowledge of confidential attorney-client communications
313 would place the city at a substantial disadvantage. He further moved that the City Council enter
314 into executive session to discuss confidential attorney-client communications, pursuant to 1
315 V.S.A. § 313(a)(1)(F) to include the City Council and City Manager. The motion passed 5-0.

316
317 d. ****An executive session may be needed to discuss personnel matters

318
319 **ANDREW BROWN** made a motion, seconded by **DAN KERIN**, that the City Council enter into
320 executive session to discuss a personnel evaluation, pursuant to 1 V.S.A. § 313(a)(3) to include
321 the City Council and City Manager. The motion passed 5-0.

322
323 **DAN KERIN** made a motion, seconded by **AMBER THIBEAULT**, to exit executive session. The
324 motion passed 5-0 at 9:50 P.M.

325
326 10. **ADJOURN**

327
328 **DAN KERIN** made a motion, seconded by **AMBER THIBEAULT**, to adjourn the meeting. The
329 motion passed 5-0 at 9:51 P.M.

330
331 Respectfully Submitted,
332 Amy Coonradt