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**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
August 23, 2023**

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

ADMINISTRATION: Regina Mahony, City Manager; Ron Hoague, Chief of Police; Jess Morris, Finance Director; Chris Yuen, Community Development Director;

OTHERS PRESENT: Jake Clark, Diane Clemens, Kevin Collins, Annie Cooper, Jeff Cram, Gina DeRossi, Taegen Kopfler, Bridget Meyer, Greg Morgan, Cynthia Reid, RSM, Jason Struthers.

1. **CALL TO ORDER**

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

2. **AGENDA ADDITIONS/CHANGES**

Councilor Haney requested removing item 6d from the Consent Agenda and making it Business Item 5b.

3. **APPROVE AGENDA**

MARCUS CERTA made a motion, seconded by ELAINE HANEY, to approve the agenda as amended. The motion passed 4-0.

4. **PUBLIC TO BE HEARD**

a. Comments from public on items not on the agenda
None.

5. **BUSINESS ITEMS**

a. Discussion and Consideration of Global Foundries' Solar Projects

City Manager Mahony began by noting that this project was permitted by the Public Utilities Commission (PUC), and the permit is not under the purview of the City. However, the municipality can have meetings and comments from both the legislative body and Planning Commission and involves a 45-day notice period that a petition is being submitted.

Jake Clark, Vice President of Encore Renewable Energy, began the discussion about two proposed solar projects on the Global Foundries Essex campus. He provided background about Encore itself, which is a locally certified B-corporation. He described the first project, which is the Essex A North Lot project. He said that it is across 30 acres of site, is 4.95 MWac, and comprises 12,000 panels with fixed-tilt racking and rows running east to west. He said that they would use agricultural-type fencing around the field that is approximately 7-8 feet high. He noted that the layout is still evolving slightly as they work through permitting and avoid wetlands, though the majority of the project would be built over unused parking lots. He spoke about the second project, which is the Essex B1 Parking Lot Solar project. He said that it is 2.8 MWac and comprises 3,000 panels (3 acres) of fixed tilt panels running east to west and 4,000 panels (7 acres) of parking canopy portion fixed panels.

Mr. Clark then spoke about why GlobalFoundries is pursuing solar arrays on its campus. He said that GF petitioned the PUC for permission to operate its own utility and spoke about GF's commitment to build on-site solar and to Vermont's Renewable Energy requirements. He said that this would minimize

53 the impact to the regional transmission system and minimize natural resource and aesthetic impacts as
54 well.

55
56 Mr. Clark then spoke about the process that GF has engaged in with Encore to bring the solar projects
57 to fruition. He spoke briefly about the siting process, in which they identified the most feasible sites with
58 the lowest impacts. He said that once sites were identified, they issued the 45-day notice in order to
59 begin engaging with local stakeholders on the project. He said that in terms of next steps, they will
60 continue conducting field studies, like natural resource surveys, archeological surveys, geotechnical
61 surveys, and aesthetic surveys, which will be converted into reports and attached to the Certificate of
62 Public Good petition, all of which will take between 8 and 15 months (which is dependent on the pace
63 of the PUC's review). He said that the biggest question for the City that the PUC is most interested in is
64 whether the plan complies with the City's Town Plan and enhanced Energy Plan from the City's
65 perspective.

66
67 Councilor Certa asked about tree removal and replacement associated with the project, as well as
68 potential plantings within the solar array fields, such as with pollinator plants. Mr. Clark replied that they
69 anticipate staying out of the forest blocks and wetlands. He said that they plan to plant two trees for
70 every tree that is removed (though the replacement trees are not necessarily planted on the same site
71 as the trees being removed). He said that they anticipate installing pollinator ground cover wherever
72 feasible. Councilor Certa asked whether the solar panel arrays would change the water runoff flows from
73 those parking lots, and if so, how Encore will deal with the impact of it. He also asked how much of
74 GlobalFoundries' power would be generated by this. Mr. Clark replied that in terms of runoff if there are
75 deemed to be changes, this project would need to pursue an amendment to the existing stormwater
76 management permit for GlobalFoundries. He said that this would eventually generate a substantial load
77 of GlobalFoundries' power needs. Jeff Cram, Senior Manager at GlobalFoundries, said that they use
78 about 400 megawatt (mW) hours per year and that these two projects would generate about 3% of that.

79
80 Councilor Haney asked if this project overlaps with a developable property that IBM had presented to
81 the Village Trustees as developable for light manufacture. Mr. Cram replied that the areas for these
82 projects are not developable in the near future.

83
84 Councilor Chawla asked about the process for assessing the visibility impact for neighbors and how
85 those neighbors could engage or provide feedback. Mr. Clark replied that once the aesthetic survey is
86 completed, if it is determined that there could be undue impact for residents, then it could be
87 recommended that a vegetative screening plan be included and installed. He said that Encore also
88 intends to send notices to landowners who can see the projects. Councilor Chawla asked that the City
89 be kept in the loop on the vegetative screening conversation. Mr. Clark noted that Encore also plans on
90 speaking to the Planning Commission and Energy Committee in Essex Junction regarding these
91 projects.

92
93 The following public comments were received:

- 94 • Greg Morgan said that the Essex Rotary has been working on pollinator gardens and looking at
95 pollinator projects at the Jericho and Westford elementary schools, as well as the Essex Westford
96 high school. He noted that there may not be a lot of pollinator opportunities, given that the site is
97 on parking lots. Mr. Clark replied that they are considering the removal of paved areas to
98 determine whether pollinator plantings could be installed, though they have not yet reached a
99 decision on it.

100
101 b. Approve Village Center & Neighborhoods Development Area Renewals **was Consent Agenda Item
102 #6d**

103 Councilor Haney asked what impact a Village Center or Downtown designation would have for Act 250
104 implications within the designation. City Manager Mahony said that the Neighborhood Development
105 Area designation would have an exemption from Act 250 if the proposed housing project meets the
106 definition of a priority housing project (meaning a certain percentage of affordable housing development
107 worked into that project). Community Development Director Yuen noted that the Neighborhood
108 Development Area boundaries currently match the Village Center designation boundaries. Councilor
109 Haney said she would like to emphasize this benefit with developers to ensure that more affordable units
110 are put into developments that are in the works. She added that she would like to discuss obtaining
111 Designated Downtown status as a goal when the City engages in its strategic planning process for the
112 coming year. Councilor Chawla asked about coordinating this work with the Transit Oriented Design
113 project/grant. He also noted the lack of encouragement for support for housing amenities (such as
114 pharmacies, grocery stores, laundromats, etc.) and asked where the City needs to lobby or look for
115 those incentives. Councilor Certa agreed that the City needs to emphasize and encourage more
116 affordable housing.

117
118 The following public comments were received:

- 119 • Bridget Meyer spoke in support of the Downtown Designation.

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121
122 **ELAINE HANEY made a motion, seconded by MARCUS CERTA, that the City Council authorize**
123 **the renewal application for the Village Center and Neighborhood Development Area designation**
124 **through the Vermont Department of Housing and Community Development designation**
125 **program. The motion passed 4-0.**

126
127 c. Discussion of Emergency Management Plans and Procedures

128 City Manager Mahony said that this discussion will provide an overview of the plans that guide the City's
129 emergency planning and response, including its All-Hazard Mitigation Plan, Local Emergency
130 Management Plan, and other relevant Plans. She said that it will also provide details about roles and
131 responsibilities, training opportunities, and next steps.

132
133 She spoke briefly about the plans that currently exist and work in tandem. She noted that the Chittenden
134 County All-Hazard Mitigation Plan outlines the strategies adopted by the Chittenden County Regional
135 Planning Commission (CCRPC) and participating municipalities for implementing mitigation practices,
136 improvements, and programs to lessen the adverse impacts from natural and man-made hazard events.
137 She also noted that its strategies feed into the Junction's Comprehensive Plan. She noted that the
138 Junction has its own local Emergency Management Plan, which outlines the responsibility and means
139 by which resources are identified, assigned, and deployed during or after an emergency or disaster, and
140 that it is updated every spring. She then noted that there are more specific Emergency Action Plans for
141 a number of different areas. She noted that rainstorms are typically the highest-priority issue in terms of
142 hazards, as are technological and societal hazards.

143
144 City Manager Mahony then provided more detail about the Local Emergency Management Plan, which
145 defines the City's Emergency Management Director (EMD, the Police Chief), two other local points of
146 contact (the City Manager and Fire Chief), and defines who can open and operate the Emergency
147 Operation Center and who staffs it, what and how many National Incident Management System
148 Resources the City has, methods for public information and warnings, locations of the City's vulnerable
149 populations, locations of primary and alternate shelters, and contact lists for key members of the
150 Emergency Management Team, local response organizations, public works, and municipal and school
151 contacts. Chief Hoague noted that this plan is the first that is opened when there is an emergency since
152 it has the most comprehensive information for the City.

153
154 City Manager Mahony provided details about processes during an emergency event or possible
155 emergency event. She noted that the EMD follows the local Emergency Management Plan and that the
156 Police and Fire & Rescue Departments continue to actively respond to calls and set up incident
157 command as needed. She noted that the Public Works Department closely monitors for damage to
158 infrastructure, as does the Wastewater Treatment Facility (WWTF), especially during flooding events.
159 She noted that the EMD and points of contact work with the State Emergency Operations Center if it is
160 brought online and that they coordinate with VTrans, CCRPC, the Police Public Information Officer, and
161 the City's Communications Director.

162
163 City Manager Mahony went on to note that Green Mountain Power has an Emergency Action Plan for
164 the Essex 19 Dam, which was last updated in January of 2023 and clearly defines roles in the case of
165 an event, as well as provides a notification flowchart in the case of a potentially hazardous situation or
166 if failure is imminent or has occurred. She noted that multiple entities in the City have a copy of this plan,
167 including the Police and City Manager. Chief Hoague added that the Plan specifies that GMP will give
168 the City at least two hours of notice if a potential breach is occurring. He also noted that there are around
169 3-4 properties in Essex that have been identified as being in danger from flooding related to Dam 19
170 breach events.

171
172 City Manager Mahony noted that there are also processes in place for the Champlain Valley Fair, Fourth
173 of July, and Memorial Day events, as well as for potential cybersecurity attacks, and spoke about
174 trainings and tabletop exercises that are ongoing.

175
176 d. Discussion of Code Enforcement and Rental Registry Program

177 Community Development Director Yuen provided an update on enforcement tracking and the building
178 of a rental registry program. He began by speaking about who is currently responsible for enforcement,
179 which includes the Land Development Code and Community Development Department (for zoning), and
180 the Community Development Department, Police Department, and Fire Department (for municipal
181 ordinances), and the Health Officer and Animal Control Officer (for State rules delegated to
182 municipalities). He provided more specifics about how zoning is enforced, which occurs most often with
183 new developments or change of use applications. He spoke about the limitations of the current zoning
184 enforcement processes, such as that they are reactive or complaints-driven, rely on voluntary
185 compliance, and that there isn't an electronic record or database in order to track issues over time. He
186 walked through some of the more common issues that the City has been dealing with lately in terms of
187 enforcement, including a non-permitted addition to a property, whether fire pits are allowed in the City,
188 general complaints about speeding and noise, bushes and tree limbs within the right-of-way, sandwich
189 board signs along the right-of-way, questions around the terms for which temporary Certificates of
190 Occupancy can be granted, a temporary structure in a parking lot allowed as a Covid measure for a
191 specific business, accumulation of items and vehicles on private property, temporary use permits for
192 food trucks/temporary establishments, RV storage issues, unregistered vehicle issues, businesses in
193 residential areas and whether they are allowed, cars on lawns, the noise ordinance and how it interacts
194 with the Champlain Valley Exposition space and fireworks, health code violations for rental units, an
195 apartment building built with 5 stories that was only approved for 4 stories, lack of visible zoning permits
196 when front porches are under construction, and bright lights shining on adjacent properties. He provided
197 this overview to demonstrate the breadth of current zoning enforcement issues.

198
199 Councilor Chawla raised concerns about current inconsistencies in code enforcement and
200 acknowledged that any enforcement strategy will need to be thoughtfully developed in terms of priorities.
201 The Council spoke specifically about the waiver of enforcement around sandwich board signs. They
202 agreed that the aesthetics of the downtown is one priority area for enforcing the existing code.

203
204 Ms. Thibeault asked about the process for issuing temporary permits for food trucks or temporary food
205 establishments. Community Development Director Yuen said that the City looks at its land use zoning
206 regulations to determine whether it's a permitted use in that zoning district.

207
208 Community Development Director Yuen asked the City Council what policy conversations need to be
209 opened based on this list. He also suggested implementing a standardized tracking and record-keeping
210 procedure for open enforcement issues. He recommended that the Council should identify priority
211 compliance issues for proactive enforcement and conduct targeted campaigns and enforcement blitzes
212 for priority issues.

213
214 Community Development Director Yuen then spoke briefly about the rental registry and code
215 enforcement resources included in the budget. He noted that included in the FY24 budget was 1 FTE
216 that would be dedicated half-time to the rental registry and half-time to code enforcement issues and
217 Health Officer duties. He noted that this FTE is intended to be enterprise-funded (budget-neutral) but
218 that currently, half of it is funded by the General Fund, and the other half is currently funded by the local
219 option tax, absent revenue from the (currently non-existent) rental registry at this time.

220
221 Community Development Director Yuen spoke about the proposed goals and scope for the rental
222 registry program, as well as steps to move toward implementation of a registry. He said that goals
223 include ensuring adequate life and safety of all residential rental properties, developing an inventory of
224 residential rental properties in Essex Junction, and improving opportunities to connect landlords to
225 adequate resources for improving their properties. He said that in terms of scope, he suggested
226 residential rental units, short-term rentals, and commercial properties. He outlined steps toward
227 implementation, which include conducting an inventory of likely rental units (which CCRPC will assist
228 with), conducting public engagement with targeted outreach to landlords and renters, creating an
229 ordinance and fee structure to build a program budget and inform the registry fee, launching the system,
230 and setting the deadline for the registry.

231
232 Community Development Director Yuen spoke about the key decision points that need to be made
233 currently. These include whether the Council supports spending money on technology to assist with a
234 rental unit inventory and conducting targeted outreach and whether the Council supports the additional
235 cost of proactive enforcement to rental units of approximately \$120 per year per unit.

236
237 Councilor Certa asked about the timeline for implementation of this and whether this FTE would even
238 be able to get going before the end of the fiscal year. Councilor Chawla pointed out that the FTE could
239 make headway even while conducting health officer duties if the registry program isn't up and running
240 yet. He emphasized the importance of this position, given the feedback received from the community
241 about the lack of proactive enforcement.

242
243 The following public comments were received:

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- 246 • Bridget Meyer said that these positions around city planning and code enforcement are
247 necessary for the betterment of the community. She said that the lack of enforcement has
248 emboldened and fostered bad behavior and further code violations. She also suggested
249 increasing fines to deter more violations. She spoke about how more traffic calming processes
250 are needed in the City. She spoke about the importance of citizen engagement in these
251 conversations.
 - 252 • Annie Cooper suggested giving staff a structured starting point and delineating tasks on a
253 timeline. She also suggested a field trip to Burlington's Planning Office to learn whether other

municipalities' processes could be leveraged rather than reinventing the wheel. Councilor Chawla noted that other municipalities have come to Essex Junction's Planning Commission meetings to speak about their processes.

e. Discussion and Consideration of VLCT Annual Meeting Voting Delegate
City Manager Mahony noted that this item is to elect a delegate to the VLCT's annual Town Fair to vote on the City's behalf.

MARCUS CERTA made a motion, seconded by ELAINE HANEY, that the City Council designate Raj Chawla as the voting delegate for Essex Junction at the VLCT 2023 Annual Meeting. The motion passed 4-0.

f. Discussion of FY24 Tax Rate Increase Correction and Clarification
City Manager Mahony noted that though the tax rate increase was correct when approved, the messaging and estimated impact on tax bills was not and that this serves to clarify and correct that messaging. She noted that when presented at a previous meeting, the rates did not include the tax agreement rate estimated increase of \$4.20 on a \$280,000 property. City staff and Councilors apologized to the public for this oversight.

g. *Discussion and Consideration of an Executive Session to discuss pending or probable civil litigation
See item #8a below.

6. **CONSENT AGENDA**

- a. Approve Check Warrants #24003 (08/10/23); #24004 (08/11/23)
- b. Approve Minutes: August 9, 2023
- c. Acting as the Liquor Control Commission: Tobacco License Approval
- d. Approve Village Center & Neighborhood Development Area Renewals **Now Business Item #5b**
- e. Pleasant Street Block Party

MARCUS CERTA made a motion, seconded by ELAINE HANEY, to approve the consent agenda as amended. The motion passed 4-0.

7. **READING FILE**

- a. Council & Manager member comments: City Manager Mahony said that the City is starting the Greatest Tree Contest. She noted that Joanne Pfaff started as an administrative assistant this week and that Jennifer Marbl is starting as the new city planner next Monday.
- b. Howard Center Community Outreach Q4 FY23 Report
- c. Bike/Walk Advisory Committee Minutes: July 17, 2023
- d. Capital Program Review Committee Minutes: August 1, 2023
- e. Planning Commission Minutes: August 10, 2023
- f. Tree Advisory Committee Minutes: July 18, 2023 & August 16., 2023
- g. Brownell Library Trustee Minutes: August 15, 2023

8. **EXECUTIVE SESSION**

- a. *An executive session may be needed to discuss pending or probable civil litigation

MARCUS CERTA made a motion, seconded by ELAINE HANEY, that the Council make the specific finding that general public knowledge of pending or probable civil litigation or a prosecution, to which the public body is or may be a party would place the City at a substantial disadvantage. The motion passed 4-0.

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MARCUS CERTA made a motion, seconded by **ELAINE HANEY**, that the City Council enter into executive session to discuss pending or probable civil litigation or a prosecution to which the public body is or may be a party, pursuant to 1 V.S.A. § 313(a)(1)(E) to include the City Council and City Manager. The motion passed 4-0.

MARCUS CERTA made a motion, seconded by **ELAINE HANEY**, to exit executive session. The motion passed 4-0 at 9:51 P.M.

9. **ADJOURN**

MARCUS CERTA made a motion, seconded by **ELAINE HANEY**, to adjourn the meeting. The motion passed 4-0 at 9:51 P.M.

Respectfully Submitted,
Amy Coonradt