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**CITY OF ESSEX JUNCTION
CITY COUNCIL
MINUTES OF MEETING
January 11, 2022**

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

ADMINISTRATION: Regina Mahony, City Manager; Rick Garey, Director of Support Services (Essex Police); Stacey Carson, Animal Control Officer; Brad Luck, Director of Essex Junction Recreation & Parks; Jessica Morris, Finance Director;

OTHERS PRESENT: Shanna Brady, Marcus Certa, Heidi Clark, Emma DeMello-Dennery, Jessica Frank, Catherine Guay, Nicholas Meyer, Lindsey Murcia, JoAnn Nichols, Anthony Pearce, Hillary Pearce, Frank Puleo, Jenna Puleo, Michelle Puleo, Cody Racine, Janelle Racine, Robin Racine, Cindy Reid, Robin Shover, Emily Savio, Jake Savio, Jason Struthers, Mike Sullivan, Kate Vanni.

1. **CALL TO ORDER**

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

2. **AGENDA ADDITIONS/CHANGES**

Councilor Chawla requested that Consent Agenda Item #7c become part of the deliberative agenda, as Business Item #6f.

3. **APPROVE AGENDA**

DAN KERIN made a motion, seconded by GEORGE TYLER, to amend the agenda to make Consent Agenda Item #7c Business Item #6f. The motion passed 4-0.

4. **PUBLIC TO BE HEARD**

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

5. **VICIOUS DOG HEARING**

Director of Support Services Garey outlined the statutory authority through which the Council is able to serve as the quasi-judicial body in an investigation of vicious domestic pet. He outlined the process for tonight's hearing.

Stacey Carson, the Town's Animal Control Officer, began by providing an overview of the event. She said that she was first notified of the incident on January 3, and that the incident occurred on January 1. She said that the Town received a call from Janelle Racine that her dog had been attacked by another dog. She noted that the defendant paid for the veterinarian bills for the plaintiff's dog. She noted that there were no prior animal control incidents related to the defendant's dog. She noted that there was a video recording from the Racines that captured the incident, but said that it was not clear from the recording which dog was attacking which. She said that the dogs needed to be physically restrained from each other.

Director Garey noted that part of the process after a vicious dog incident requires quarantining the animal for a period of time. He noted that the Health Officer completed quarantine with the defendant's dog today and is reporting back that the dog remained friendly and calm and there was no evidence of rabies.

53 Janelle Racine, the plaintiff, described the incident. She noted that her dogs were on leash but that the
54 neighbor's dogs were not on leash and that in an unprovoked manner, the defendant dog attacked and
55 latched onto her dog for 25 seconds before she and her neighbor were able to separate them. She
56 described the injuries, which included a gash wound and a puncture wound, one of which required
57 stitches.

58
59 Shanna Brady, the defendant, spoke positively about her dog's character. She said that she and her
60 partner take complete responsibility for the incident that occurred on January 1. She said that they gladly
61 paid the veterinary bills of their neighbor, and that they have taken precautions to ensure that this does
62 not occur again (including that they have a fence and that the gates are now locked, and that they will
63 install an additional electric fence around the perimeter in the spring). She noted that she was not aware
64 of the involvement of the third dog. She said that she rescued her dog four years ago, and that there
65 have been no other incidents involving her dog. She said that her dog has received professional training.

66
67 Kevin Kavanaugh the partner of Shanna, spoke about the incident. He apologized profusely for the
68 incident and said that he takes full responsibility for it. He described how the situation occurred and said
69 that he believes that the defendant's dog did not bite the plaintiff, since the dog was restrained soon
70 after the beginning of the attack. He said that he had advised that the defendant's dog has a protective
71 nature toward his own dogs, and that he had cautioned Ms. Racine about that previously. He described
72 the gate and fence in the yard of his property.

73
74 A friend of the defendant spoke about how to handle dogs that are engaged in a conflict. He also said
75 that the defendant's dog was not acting in a vicious way toward the humans involved in a situation.

76
77 Robin Shover, founder of Passion for Paws Dog Rescue, spoke about the assessments they conduct
78 on each dog that they rescue, including the defendant's dog. She noted that the defendant's dog has
79 never shown aggression or negative behavior toward other dogs or humans.

80
81 Katie Anderson, the dog trainer of the defendant's dog, described the training that the dog went through.
82 She said that she worked with the defendant and her dog in July-September 2021 to respond to "leave
83 it" and recall voice commands and training on leash handling.

84
85 Lindsey Murcia, an employee of Passion For Paws Dog Rescue, spoke positively about the defendant's
86 dog. She also noted that dog-to-dog aggression and incidents are not uncommon, even in dog parks in
87 Essex.

88
89 Jacob Savio, a friend of the defendant, provided a positive character assessment of the defendant's
90 dog.

91
92 Catherine Guay, a friend of the defendant, provided a positive character assessment of the defendant's
93 dog.

94
95 Emma DeMello-Dennery, who has dog-sat for the defendant, provided a positive character assessment
96 of the defendant's dog.

97
98 Jessica Frank, an employee of Passion For Paws Dog Rescue, spoke positively about the defendant's
99 dog.

101 Frank Puleo, the father of the plaintiff, spoke about the character of the plaintiff and spoke about her
102 love of dogs. He said that she is afraid to leave her house, given the proximity to the neighbor's dogs
103 and her experience in the dog bite incident.

104
105 The City Council closed the testimony portion of the hearing. They viewed footage from the defendant's
106 home security camera, which captured the altercation. Director Garey noted that state statute allows the
107 Council to issue sanctions only if they can determine that the defendant's dog bit a human (the plaintiff).

108
109 Councilor Brown said that he has not seen evidence that clearly establishes which dog bit the plaintiff.
110 He said that if the statute allowed sanctions based on dog-versus-dog aggression, he would recommend
111 those, but unfortunately, the statute limits the actions that the Council is able to take related to this
112 incident.

113
114 Councilor Tyler said that this appears to meet the criteria of a vicious dog bite incident. He expressed
115 concern that there could be a repeat incident if the neighbors' dogs wish to attack the plaintiff's dog
116 again.

117
118 Councilor Kerin agreed, saying that he does not want to see dogs or humans attacked again based on
119 these individual dogs.

120
121 Councilor Tyler said that he would like the advice of the City Attorney, since it does not seem fair to be
122 unable to issue orders or sanctions because they are unable to determine which individual dog in a pack
123 of dogs was responsible for a specific dog bite, even if the entire pack was involved in the attack. City
124 Manager Mahony noted that the City Attorney advised that the Council is only able to work within the
125 confines of the ordinance as defined by State statute, though they are able to issue a recommendation.
126 She said that they can also issue a fine to the owners of the dogs through the municipal ordinance.

127
128 Councilor Chawla said that the owners of the dogs are already implementing the measures that he feels
129 would be appropriate to respond to this situation.

130
131 Councilor Tyler said that he would be in support of assessing a fine through the municipal ordinance.
132 He also recommended that the defendant install a tall fence across the front yard.

133
134 **GEORGE TYLER made a motion, seconded by DAN KERIN that the Essex Junction City Council**
135 **impose the City's loose dog ordinance fine on the defendant, that the defendant build a physical**
136 **barrier such that the dog cannot escape from the property and that the dog receive obedience**
137 **training approved by the City's dog officer within the next six months. The motion passed 4-0.**

138
139 **6. BUSINESS ITEMS**

140 a. Cathedral Square Presentation on Whitcomb Renovation Concept Proposal, Cindy Reid
141 Cindy Reid, the Director of Housing and Community Development at Cathedral Square, presented a
142 proposal on renovations for the Whitcomb Residence. She said that Cathedral Square is required to
143 have a public hearing as part of their funding proposal. She spoke briefly about the demand for Cathedral
144 Square's housing and said that they provide a vital service to the community. She said that they
145 anticipate beginning renovation work in the next year.

146
147 **MOTION by GEORGE TYLER, seconded by DAN KERIN, to move Business Item #6d to be**
148 **Business Item #6b, and move Business Item #6e to be Business Item #6c. The motion passed 4-**
149 **0.**

150

151 b. Department Head Conversation with Chelsea Mandigo
152 Director Mandigo gave updates on stormwater and the wastewater facilities. She noted that the
153 wastewater department experienced two retirements of long-term employees, as well as the creation of
154 a chief operator position, water quality superintendent position, and several other operator positions.
155 She noted that in the last year there was a focus on non-critical maintenance projects, and that they are
156 turning more toward capital projects over the next year. She noted challenges around inflation in terms
157 of being able to obtain replacement parts as well as chemical costs and biosolid disposal costs.
158

159 c. Presentation of the FY24 Enterprise Budgets, Second Version of the General Fund Budget and
160 Budget Schedule

161 Finance Director Morris provided an overview of the proposed Fiscal Year 2024 Enterprise Fund
162 Budgets. She noted that the most significant change in the Water, Wastewater, and Sanitation Fund
163 budget is the increase in the amount charged for administration fees. She spoke about the methodology
164 for calculating that fee and noted that it resulted in an increase to those enterprise funds of approximately
165 \$1450,000, or 46%. She then spoke about the preliminary rate changes for each the water, wastewater,
166 and sanitation funds, noting that the combined rates would result in a 10.56% increase (or around a
167 \$61.85 increase per year on the average bill).
168

169 Councilor Kerin asked if it would be possible to stockpile more of the chemicals used in the
170 wastewater/sanitation processes, since it was noted that one driver of budget increases is the cost of
171 those chemicals. Finance Director Morris replied that she will look into it with Director Mandigo but knows
172 that storage may be a concern. Director Mandigo added that there were full-sized storage tanks installed
173 in 2014, but that they may not be able to store much more excess than that, due to storage capacity
174 limitations. She said that they can also look into U/V light technology for disinfecting and processing,
175 rather than using certain chemicals.
176

177 City Manager Mahony walked through the latest version of the proposed Fiscal Year 2024 General Fund
178 budget. She said that the transmittal outlines the changes made to the budget as requested by the
179 Council on its December 6th Budget Day meeting, notes outstanding issues and staff recommendations,
180 and answers other questions raised on Budget Day. She reviewed the schedule for next steps regarding
181 the budget, which include review and preliminary adoption on January 25th, a public hearing on February
182 8th, and a finalized budget on February 22nd and approval of articles for the Annual Meeting.
183

184 City Manager Mahony briefly outlined the changes to the budget. She noted that altogether, the changes
185 result in an increased revenue of \$40,106 and decreased expenditures of \$75,722, which results in a
186 0.5% increase in the tax rate (or \$11.85 on a \$280,000 property). Councilor Tyler noted that one
187 assumption was increased revenue from the local option tax and asked if there are updated projections
188 on the amount of revenue due to that tax. Finance Director Morris noted that she will have Q1 local
189 option tax numbers at the end of January.
190

191 City Manager Mahony then outlined the outstanding issues around the budget. These include the senior
192 van service component of the budget, as there is a question around whether the City should fund the
193 Senior Van service from January 1, 2024 to June 30, 2024 (which would cost \$38,500). She said that
194 the staff recommendation is to increase funding to SSTA and let the van funding sunset after that, since
195 many of the riders who use the van would qualify for SSTA services. Another outstanding question is
196 around senior programming, whether to include a new staff position to support Adult Programming, and
197 where to locate senior/adult programming, given that the 2 Lincoln Street space is constrained in terms
198 of space. Another outstanding issue exists regarding the health officer and Community Development
199 Department staffing. City Manager Mahony noted that it has been challenging to fill the vacant health
200 officer position and that staff are recommending the creation of a full-time health officer position

beginning on July 1, 2023. She also noted that there will be significant needs for staffing a number of City Committees (Economic Development, Energy, and Equity, for example), and staff are recommending an increase in staffing in the Community Development office to accommodate these needs. A further outstanding question is around the Main Street Park budget and the amount of money to use as a budget assumption. City Manager Mahony recommended using \$478,000 as the budget in a phased approach, which assumes the availability of \$278,000 in the Economic Development Fund once match obligations for the Amtrak project are met, as well as the securing of a \$200,000 Downtown Transportation Grant.

d. Discussion and consideration of Essex Rescue Letter

Councilor Brown spoke about meetings attended and emails exchanged related to Essex Rescue services regarding their proposed significant increase in municipality contributions and the letter that was drafted to Essex Rescue by the 5 municipalities that receive its services. He said that the City has only had a relationship with Essex Rescue for a few months, and said he felt uncomfortable agreeing with requesting an operational assessment and financial audit. He said that he would like to maintain a positive and collaborative relationship with Essex Rescue and said he would recommend not signing the letter with the other municipalities but that he would like to meet with Essex Rescue and the other municipalities to move forward in a more collaborative way.

Councilor Tyler asked what other kinds of organizational structures Essex Rescue could have, to make it easier to have conversations between it and the municipalities it services in a more productive and efficient way. Councilor Brown suggested that there are other viable district service models (such as Chittenden Solid Waste District's) that could be utilized. Councilors Tyler and Chawla said that an operational assessment and financial audit aren't necessarily the best next steps if municipalities are concerned about the business model and financial health of Essex Rescue. Councilors agreed with Councilor Brown's approach of meeting with Essex Rescue and other municipalities to discuss how to move forward.

e. Discussion and consideration of Chittenden County Regional Planning Commission (CCRPC) UPWP Applications and Match

City Manager Mahony noted that this is related to Unified Planning Work Program (UPWP) grants from CCRPC. She said that staff are recommending submitting applications for grants related to the TV condition assessment of select stormwater pipes, assistance with GIS services (since with separation from the Town, the City no longer has in-house GIS expertise), and a Transit Oriented Development (TOD) Plan.

RAJ CHAWLA made a motion, seconded by GEORGE TYLER, to recommend that the City Council authorize staff to submit the UPWP requests for Phase 3 TV condition assessment of stormwater pipes in the City, GIS Services and Transit Oriented Development Plan. The motion passed 4-0.

f. Adjust Green Mountain Transit Representation

Councilor Chawla said that he was surprised to see a request back from GMT to change the City's representation for their board. He said he was also surprised that they are going to make permanent some of the schedule cutbacks they implemented during COVID. He said he would like to reach back out to GMT and ask them to reconsider those cuts or the routes, given that there are a number of community members who would be negatively impacted by those cuts. He said he would be happy to draft a letter to this point. The Council said it would ask the current representative to come in and speak to their interest in representing the City (since they currently represent the Town but are a City resident).

251 g. *Discussion and consideration of CSWD candidates

252
253 7. **CONSENT AGENDA**

254 a. Check warrants: #17333 (12/15/2022); #17334 (12/22/2022); and #17335 (12/30/2022)

255 b. Approve Minutes December 14, 2022

256 c. Adjust Green Mountain Transit Representation ***now agenda item #6f***

257
258 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the consent agenda. The**
259 **motion passed 4-0.**

260
261 8. **READING FILE**

262 a. Board Member Comments: Councilors Kerin and Tyler announced that they will not seek reelection
263 after their current terms end.

264 b. County of Chittenden Annual Budget Hearing

265 c. T-Mobile PUC Petition for additional antennas on an existing tower

266 d. GBIC thank you letter

267 e. Joint Housing Committee Minutes: December 7, 2022

268 f. Planning Commission Minutes: December 1, 2022

269 g. Development Review Board Minutes: December 15 2022

270 h. Bike/Walk Advisory Committee Minutes: December 19, 2022

271 i. Tree Advisory Committee Minutes: November 15, 2022

272 j. Chittenden County Communications Union District Organizational Meeting Minutes: January 5, 2022

273
274 9. **EXECUTIVE SESSION:**

275 a. *An executive session may be needed to discuss the appointment of a public official

276
277 **ANDREW BROWN made a motion, seconded by DAN KERIN, that the Council enter into executive**
278 **session to discuss the proposed public official appointment(s) in accordance with 1 V.S.A.**
279 **Section 313 (a)(3) and to include the City Manager. The motion passed 4-0 at 10:46 PM.**

280
281 **ANDREW BROWN made a motion, seconded by GEORGE TYLER, that the Council exit executive**
282 **session. The motion passed 4-0 at 10:48 PM.**

283
284 **GEORGE TYLER made a motion, seconded by DAN KERIN, to appoint Mike Sullivan to the**
285 **Chittenden Solid Waste District Board of Commissioners. The motion passed 4-0.**

286
287 10. **ADJOURN**

288
289 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to adjourn the meeting. The motion**
290 **passed 4-0 at 10:49 P.M.**

291
292 Respectfully Submitted,
293 Amy Coonradt