



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

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, October 11, 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. *Interview & Consider Appointments to CCCUD (Chittenden County Communications Union District) and Brownell Library Trustees
 - b. Chittenden County Regional Planning Commission Presentation
 - c. Essex Rescue Presentation
 - d. Acting as the Cannabis Control Board Commission: Consider Approval of S-000004597, Outdoor Cultivator Tier 1 Small Cultivator for TrichomeVT
 - e. Discussion & Consideration of State Cannabis Legislation Recommendation
 - f. **Discussion and Consideration of an Executive Session to discuss a contract
6. **CONSENT ITEMS**
 - a. Approve Check Warrant #24012 (09292023)
 - b. Approve Minutes: September 27, 2023
 - c. Approve Adjustment of Meeting Dates for November and December Meetings
 - d. Approve Lake Champlain Sea Grant Fellowship Research Project Match
7. **READING FILE**
 - a. Council Member & Manager Comments
 - b. Designation Renewal for Essex Junction Village Center/Neighborhood Development Area
 - c. Chittenden County Communications Union District Public Hearing Notice
 - d. September Financial Report
 - e. Traffic Calming Speed Study
 - f. Development Review Board Minutes, September 21st
 - g. Brownell Library Trustee Minutes, September 19th
 - h. Bike Walk Advisory Board Minutes, September 18th
 - i. Tree Advisory Committee Minutes, September 19th
8. **EXECUTIVE SESSION**
 - a. *An executive session may be needed to discuss an Appointment of a Public Official
 - b. **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.

CITY OF ESSEX JUNCTION
CITY COUNCIL MEETING MINUTES
WEDNESDAY OCTOBER 11, 2023

COUNCILORS PRESENT: Raj Chawla, President; Amber Thibeault, Vice-President; Andrew Brown; Marcus Certa

ADMINISTRATION and STAFF: Regina Mahoney, City Manager; Chelsea Mandigo, Water Quality Superintendent; Claudine Safar, City Attorney; Kristen Shamis, City Attorney

OTHERS PRESENT: Raju Badireddy; Colleen Ballard, Essex Rescue; Charlie Baker, CCRPC; Dorothy Bergenthal; Heidi Clark; Annie Cooper; Joe Cornacchio; James Grimsley; Karen Hergesheimer; Tim Miller; Peter Mutolo, Essex Rescue; Steven Padnos; Brian Shelden; Mike Sullivan; Ann Wadsworth; Sharon Wille Padnos; Essex ReTorter

1. CALL TO ORDER

Ms. Chawla called the meeting of the City Council to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

Ms. Mahoney requested that Item 5G, Discuss Potential Litigation, be added to the agenda.

3. APPROVE AGENDA

RAJ CHAWLA made a motion, seconded by MARCUS CERTA, to approve the agenda as amended. Motion passed 4-0.

4. PUBLIC TO BE HEARD

a. Comments for Public on Items not on Agenda

Ms. Bergenthal said that she contacted SSTA for transportation, and that bus service is only available to diagnosed disabled people, with a doctor’s note. The approval process takes 3-4 weeks after the paperwork is submitted. All riders must be picked up within ¾ of a mile of a bus stop, which would require extensive walking for many. She said that this is not a substitute for the Essex Senior Van, which is open to all seniors and picks up riders at home. In response, Ms. Mahoney said that most of the City of Essex Junction is within ¾ mile of a bus stop and said that home pickup is available for some. Mr. Brown said that anyone who lived within ¾ of a mile of any bus stop in Essex Junction would qualify and said that this may need clarification with SSTA’s customer service.

Mr. Cornacchio expressed concern about the condition of the Essex Junction Train Station, stating that it needs paint and significant improvements. Mr. Chawla said that he has heard the discussion about the issue, and that staff are working on potential grants to improve the property. He apologized that this issue has taken so long to address with the various entities who manage and/or own the station. Mr. Chawla said that the City does not own the building, but that taxpayer-funded matching grant funds will be used to improve the property. Mr. Cornacchio suggested that the Council communicate status updates with the public. Mr. Grimsley suggested that this be a hempcrete building, which is a type of animal bedding. He discussed more ethical options for painting.

5. BUSINESS ITEMS

a. Interview & Consider Appointments to ~~CCCUD (Chittenden County Communications Union District)~~ and Brownell Library Trustees

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51 Ms. Hergesheimer said that she loves the library and would like to give back to the community. Mr. Certa
52 asked her what her favorite program at the library is, and she said that she enjoys Must Read Mondays and
53 spoke highly of children's programming. Answering a question from the Council, she said that more could
54 be done to make the library accessible to new Americans. Mr. Chawla asked what Ms. Hergesheimer what
55 she believes will change in the library in the next 10-15 years. She said she sees the library becoming more
56 of a community space, and more than just a location to get books.

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58 Mr. Sullivan said that he is very concerned about recent efforts to ban books across the country. He said that
59 he is happy for the opportunity to interview but feels that the other candidates are more qualified than him.
60 Mr. Certa asked where Mr. Sullivan believes the library needs more support, Mr. Sullivan said clear and easy
61 communication and transportation options. He believes that the library will be utilizing more technology
62 over the next decade. Ms. Mahoney clarified that this opening would last until April, when the appointee
63 will have the opportunity to put their name on the ballot for further service.

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65 **b. Chittenden County Regional Planning Commission Presentation**

66 Mr. Baker said that this is his organization's annual check-in with the City. He discussed the budget, board
67 makeup, and examples of the work that the Chittenden County Regional Planning Commission (CCRPC)
68 has conducted for the City. Mr. Chawla said that the City is considering working with the CCRPC to identify
69 rental housing stock in the City. Ms. Mahoney and Mr. Baker explained the process of requesting or
70 soliciting work from the CCRPC. Mr. Chawla expressed a desire to have the West Street Extension/Susie
71 Wilson Road redesign project moved along. Mr. Baker highlighted some upcoming projects and grants
72 awarded that will impact Essex Junction. He spoke of the CCRPC's regional plan update, and their work
73 with engaging marginalized communities. He said that the CCRPC has been working on housing, energy,
74 clean water, and emergency management projects. Mr. Brown asked how communities can best work
75 together to address the housing crisis, and combat resistance to growth. Mr. Baker detailed efforts at the
76 statehouse to address the housing crisis, and the CCRPC's work supporting communities with zoning
77 updates. Mr. Chawla expressed concern about the City's bus service, which has been cut due to driver
78 shortages, and a disconnect on the state level for funding public transit.

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80 **c. Essex Rescue Presentation**

81 Ms. Ballard, Executive Director, and Mr. Mutolo, Board President, presented on behalf of Essex Rescue.
82 Ms. Ballard said that the last few years have been challenging with workforce and financial shortages. She
83 discussed a statewide effort to improve Vermont EMS services and encouraged City officials to send
84 feedback about challenges by filling out a survey or by attending public meeting. Ms. Ballard said that Essex
85 Rescue's call volume is up significantly, and averages 8-9 calls a day. She said that Essex Rescue has begun
86 compensating volunteers and has had a growing number of applicants for positions. She said that Essex
87 Rescue hopes to bring on a second ambulance because of increased staffing. She discussed changes to call
88 coverage, as Williston is now able to cover more of the City than St. Michaels College Rescue. She said that
89 the increased funding from member municipalities has allowed Essex Rescue to fund its capital reserve this
90 year. Mr. Certa asked for clarification on what "cancelled mutual aid" is and its impact on Essex Rescue.
91 Ms. Ballard said that these are calls with no patient contact, such as a medical alert call. Ms. Ballard said
92 that these calls will be decreasing as Essex Rescue will be able to respond to more of their own calls. Mr.
93 Certa asked what the average cost of transport is. Ms. Ballard said that it varies widely between \$300 and
94 \$4,000 depending on the condition of the patient. She detailed other costs associated with transport for both
95 Essex Rescue and patients.

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97 Mr. Mutolo said that the current headquarters is not meeting the needs for Essex Rescue, and that they ha
98 been embarking on a Capital Campaign to raise funds prior to COVID. Essex Rescue has purchased property

99 near Lang Farm and has other sites where they are considering building jointly with other organizations. Ms.
100 Ballard said that Essex Rescue has a subscription program where households will not be charged for costs
101 associated for treatment if services are dispatched. Essex Rescue will now be holding patients accountable
102 for non-transit costs. This is due to changes in state law requiring ambulance service providers to perform a
103 non-transit report. This can take between 1-2 hours of time for paramedics. Previously, Essex Rescue had
104 written off charges of less than \$250, however this was too significant of a loss for the organization to
105 continue to do so. Essex Rescue has responded to 854 calls in Essex Junction since the start of this year.

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107 In public comment, Ms. Cooper asked if there was an opportunity for individuals to donate memberships to
108 families in need. Ms. Ballard said that she thinks that this is a great idea and suggested that some type of
109 voucher be created.

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111 **d. Acting as the Cannabis Control Board Commission: Consider Approval of S-000004597, Outdoor**
112 **Cultivator Tier 1 Small Cultivator for TrichomeVT**

113 Ms. Mahoney said that the City Council has sixty days to make this decision. She said that information from
114 the DRB decision related to this property is in the packet. This case relates to an appeal of the Zoning
115 Administrator's decision not to act on outdoor cultivation, which the DRB upheld. Ms. Mahoney said that
116 she recommends that this license be issued but said that there are a lot of questions around the state statute
117 and the DRB decision itself. She said that the applicant, Mr. Struthers, was not invited to the hearing. She
118 said that this was an oversight and suggested that the hearing be continued because of this. Mr. Certa asked
119 if an inspection had been done of this property and cited an appropriate state statute to allow this. Ms.
120 Mahoney said that she will investigate this. In public comment, Mr. Grimsley said that the stalks and skin
121 of cannabis can be used for building purposes and suggested that this be considered in future policy decisions.

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123 **e. Discussion & Consideration of State Cannabis Legislation Recommendation**

124 Ms. Mahoney said that changes to state legislation have made the City Land Development Code out of
125 compliance, as local municipalities are no longer able to use zoning or other regulations to control outdoor
126 cannabis consumption. She said that she has heard from residents that the smell of outdoor cannabis has
127 made it difficult to enjoy their property and suggested that the City Council make a recommendation to the
128 legislature of how this can be separated by rural and urban environments. Mr. Chawla discussed
129 conversations that had been previously had at the state level, and concern with how the state will relegate
130 communities to rural or urban. He expressed concern about favoring one industry over the quality of life of
131 those around them. Mr. Certa said that he would like Essex Junction to be able to gain the ability to zone for
132 marijuana cultivation to minimize nuisance issues. Mr. Chawla said that there is no way to do so. He said
133 that these regulations impacted preexisting conditions, which has not been the case with previous regulations.
134 He expressed frustration about the inability of municipalities to make any significant decisions on cannabis
135 cultivation. Mr. Certa asked about the state definition of rural/urban being considered an area that does or
136 does not have public water/sewer. Ms. Mahoney said that this is a less difficult way to distinguish rather
137 than zoning districts. Mr. Chawla said that this could impact the state's ability to designate a farm, as some
138 could be in areas served by sewers.

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140 In public comment Mr. Padnos discussed inconsistencies in state statute and said that he was not sure if
141 asking for rule changes was an appropriate thing for the City Council to do. He suggested that there be a
142 prohibition against outdoor cultivation in the same area that would ban retail sales. He suggested that there
143 be something written in the law that all can look to handle marijuana. He said that the state must take into
144 consideration preexisting conditions when making regulations. Ms. Cooper asked for clarification on state
145 laws. Mr. Chawla said that he is unsure about the details of the personal growth aspect of the law, and that
146 this was not something that was being discussed by the Council. Ms. Cooper encouraged the Council to
147 obtain additional information about this issue. Mr. Grimsley said that someone had complained to the state

148 about an outhouse on his property and encouraged a conversation on composting and creating guidelines for
149 such.

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151 **MOTION by ANDREW BROWN, seconded by MARCU CERTA to authorize the City Manager write**
152 **a letter with this request to the legislature and authorize the Council President to sign this letter on**
153 **behalf of the Council. Motion passed 4-0.**

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155 **f. Discussion and Consideration of an Executive Session to discuss a contract**
156 This was discussed during Executive Session.

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158 **g. Discuss Potential Litigation**
159 This was discussed during Executive Session.

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161 **6. CONSENT ITEMS**
162 **Motion by ANDREW BROWN, seconded by MARCUS CERTA, to approve the consent agenda.**
163 **Motion passed 4-0.**

- 164 **a. Approve Check Warrant #24012 (09292023)**
- 165 **b. Approve Minutes: September 27, 2023**
- 166 **c. Approve Adjustment of Meeting Dates for November and December Meetings**
- 167 **d. Approve Lake Champlain Sea Grant Fellowship Research Project Match**

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169 **7. READING FILE**
- 170 **a. Council Member & Manager Comments:** Ms. Mahoney said that the Strategic Planning Process is
171 underway and encouraged all to fill the associated survey. This project will begin with forming high-level
172 ideas followed by specific action items.
 - 173 **b. Designation Renewal for Essex Junction Village Center/Neighborhood Development Area**
 - 174 **c. Chittenden County Communications Union District Public Hearing Notice**
 - 175 **d. September Financial Report**
 - 176 **e. Traffic Calming Speed Study**
 - 177 **f. Development Review Board Minutes, September 21st**
 - 178 **g. Brownell Library Trustee Minutes, September 19th**
 - 179 **h. Bike Walk Advisory Board Minutes, September 18th**
 - 180 **i. Tree Advisory Committee Minutes, September 19th**

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182 **8. EXECUTIVE SESSION**
183 **a. An executive session was needed to discuss an Appointment of Public Official**
184 **RAJ CHAWLA made a motion, seconded by MARCUS CERTA that the City Council make the**
185 **specific finding that premature disclosure of the contractual matters would place the city at a**
186 **substantial disadvantage. Motion passed 4-0 at 9:01 PM.**

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188 **RAJ CHAWLA made a motion, seconded by MARCUS CERTA that the City Council enter into**
189 **executive session to discuss a contract, pursuant to 1 V.S.A. § 313(a)(1)(A) to include the City Council,**
190 **City Manager, Water Quality Superintendent and Appala Raju Badireddy. Motion passed 4-0.**

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192 **b. Executive Session for Potential Litigation**
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194 **MARCUS CERTA made a motion, seconded by ANDREW BROWN that the City Council make the**
195 **specific finding that general public knowledge of pending or probable civil litigation or prosecution to**
196 **which the public body is or may be a party would place the City at a substantial disadvantage.**

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MARCUS CERTA made a motion, seconded by ANDREW BROWN that the City Council enter into Executive Session to discuss pending or probable civil litigation or 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, City Manager, and City Attorneys Claudine Safar and Kristin Shamis.

MARCUS CERTA made a motion, seconded by ANDREW BROWN to exit executive session at 10:21 PM.

9. ADJOURN

RAJ CHAWLA made a motion, seconded by ANDREW BROWN, to adjourn. Motion passed 4-0 at 10:21 PM.

Respectfully Submitted,
Darby Mayville
Recording secretary