



**CITY OF ESSEX JUNCTION
CITY COUNCIL &
LOCAL CANNABIS CONTROL COMMISSION** Online & 2 Lincoln St.
Essex Junction, VT 05452
REGULAR MEETING AGENDA **Wednesday, February 22, 2023**
6:30 PM

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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. Second public hearing on fiscal year 2024 Proposed Budget and Capital Program
6. **BUSINESS ITEMS**
 - a. Introduce Chris Yuen, Community Development Director
 - b. FY22 Audit Report, Bill Keyser
 - c. Discussion of FY24 Proposed Budget and Capital Program Budget
 - d. Department Head Conversation with Jess Morris
 - e. Discussion and Consideration of Dog Ordinance Amendments & Rules of Procedure for Dog Bite Hearings
7. **CONSENT ITEMS**
 - a. Approve Check Warrants #17339 (020623) and #17340 (021023)
 - b. Approve Minutes: February 1, 2023 and February 8, 2023
 - c. Little League Opening Day Parade Street Closure
 - d. CVE Banner Requests
 - e. Cannabis Control Board Commission Approval of Tier 1 Indoor Cultivation, VT L#S-000001517, Passion Fruit Farms, LLC
8. **READING FILE**
 - a. Council member comments
 - b. FY22 Fund Balance Assignments
 - c. Town Health Officer Report
 - d. Tree Advisory Committee Minutes: January 16, 2023
 - e. Joint Housing Commission Minutes: January 18, 2023; February 15, 2023
 - f. Board of Civil Authority Minutes: February 8, 2023
 - g. Email from Annie Cooper
9. **EXECUTIVE SESSION**
 - a. None anticipated
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.

CITY OF ESSEX JUNCTION
CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 22, 2023

COUNCILORS PRESENT: Andrew Brown, President; Raj Chawla, Vice-President; Amber Thibeault; George Tyler

ADMINISTRATION and STAFF: Regina Mahoney, City Manager; Jess Morris, Finance Director; Chris Yuen, Community Development Director

OTHERS PRESENT: Marcus Certa, Heidi Clark, Elaine Haney, Carlton Houghton, Tamara Jaques, Adrian Lanza, Bill Keyser (Kittell Branagan & Sargent), Tim Miller, Nicholas Meyer, Jenna P., Peggy Pearson, Frank & Michelle Puleo, Jessica Quinn, Janelle Racine, Paula Sargent, Resa Sari, Harlan & Richard Smith, Jason Struthers, Andy & Linda Suntup, Dennis Thibeault, Carmon Verasamy, Lynn & John Willey, Beauregard, Paul, CR, Essex ReTorter

1. CALL TO ORDER

Mr. Brown called the meeting of the City Council & Cannabis Control Commission to order at 6:30 p.m.

2. AGENDA ADDITIONS/ CHANGES

Mr. Brown requested that the MD&A (Management Discussion and Analysis) from Ms. Morris be added to Business Item 6B, FY22 Audit Report.

3. APPROVE AGENDA

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

4. PUBLIC TO BE HEARD

Ms. Willey said that she is here tonight to advocate for the continued functioning of the Senior Center and said that the Senior Center provides a lot of joy for many in the community. Mr. Brown said that the City Council is absolutely committed to continuing the Senior Center as it has been in the FY 2024 budget. Mr. Tyler said that there may be renovations in the Senior Center space, however this does not mean that it will be closed. Mr. Chawla said that the space may need to be shared with other groups at times when the Center is not operating. He said a new Adult Services Coordinator would be hired via Essex Junction Recreation and Parks (EJRP) to maintain programming. Mr. Houghton asked what would happen to the Center during renovation. Mr. Brown said that this would be addressed with input from seniors closer to this time. Mr. Houghton also brought up the idea of the Senior Center converting to a private non-profit. Ms. Pearson clarified that the Senior Center was never an official 501c3.

Ms. Clark said that she had attended previous meetings where renovations were discussed and that there were no guarantees given that the Senior Center would continue to have space afterward. Mr. Brown said that he could not provide guarantees for anything, however the City Council does not want the Senior Center to close. Mr. Tyler said that his recollection of previous meetings is different from Ms. Clark's. Mr. Chawla said that the City has space issues, and he cannot guarantee that the Senior Center will be in its current specific space many years from now but that the City Council feels that maintaining access to senior programming and services is very important.

49 Ms. Cooper encouraged the City Council to allocate money in a specific line item for the Senior Center and
50 senior services. Regarding the decision to discontinue the Senior Bus in FY 24, she said that the Special
51 Services Transportation Agency (SSTA) bus service does not work for everyone that the Senior Bus
52 currently serves. Mr. Willey said that Town staff currently staff the Senior Center and that it sometimes
53 closes unexpectedly. He said that it would be nice if there were additional staffing available so that the
54 Center would be open. Mr. Harlan Smith said the Town manages the Senior Center oversight and busses,
55 while the City provides the space for them. He asked if anyone knew the Town's plans regarding a future
56 Senior Center. Ms. Mahoney said that she believes that they plan to provide programming in different
57 spaces but not have a dedicated senior center. Ms. Sargent said that she believes that the City is doing
58 everything that they can for seniors but reiterated that communication and partnership with the senior
59 community is important. Ms. Mahoney said that the First Congregational Church reached out to the City
60 regarding vacant space in the church and said that this could possibly be used for future space needs.

61
62 Mr. Matthew Smith said that he wanted to support seniors in the community, however taxpayers are
63 currently funding residents from other communities who attend the events and use the space. He feels that
64 other communities should help to fund the Senior Center if their residents use the space. Ms. Cooper asked
65 for clarification on the new EJRP position. Mr. Brown said that the role is titled Adult Services Director.
66 Ms. Cooper expressed concern that there is no job description created, however voters are being asked to
67 approve this role. Mr. Struthers asked how the City collected its Senior Bus data, as a public record request
68 has shown opposing information. Mr. Brown said that he would email him the information. Mr. Struthers
69 said that the SSTA bus service is much more restrictive than the senior bus. He asked if services would be
70 provided for those who don't qualify for the SSTA but would qualify for the senior bus. Mr. Brown said
71 that there would not be. Ms. Sargent said that she has had great experiences with the senior bus and lauded
72 their professionalism and service.

73
74 **5. PUBLIC HEARING**

75 **a. Second public hearing on fiscal year 2024 Proposed Budget and Capital Program**

76 Ms. Mahoney began the summary of the General Fund budget by noting that there is not a good past
77 budget for the City to compare the FY24 budget to, given that this is the City's first budget as a separate
78 entity from the Town. She said that for a baseline, staff prepared a FY22 mock City budget with
79 adjustments for inflation. She noted that the FY24 budget is proposed at \$11,428,241, which is a 7% or
80 \$737,149 change from the FY22 mock budget. This would result in a tax rate increase of 1.4%. She noted
81 contributing factors to this increase, which include new positions in administration, Community
82 Development, and EJRP, increases for stormwater, Essex Rescue, the Essex Junction Cemetery
83 Association, an annual capital transfer increase, and a line item for Memorial Day/4th of July celebrations.
84 She noted one-time expenditures, including rebranding, strategic planning, and banners and signs (all of
85 which will be paid for through local option tax revenues). She then walked through each department's
86 budget, changes, and reasons for each change. Ms. Mahoney said that the City plans on establishing new
87 committees now that it is an independent municipality. She discussed the new EJRP Adult Services
88 Director position and said that this person would be responsible for creating programming for adults of all
89 ages. The City will be increasing the SSTA budget line item as SSTA busses will be used in place of the
90 senior van.

91
92 Ms. Morris then provided a summary of the Capital Program and its funds for FY 24. She noted that
93 funding would total \$1,513,265 for FY24 and would consist of funds within the capital reserve, rolling
94 stock, EJRP capital, water capital, wastewater treatment facility capital, and sanitation capital. She noted
95 that the water, wastewater, and sanitation funds are enterprise funds and do not influence the tax rate or use
96 tax dollars. She provided a summary of estimated utility rate changes for water, wastewater, and sanitation,

97 noting that the total increase between FY23 and FY24 is \$49.62 or 8.47%. She said that this is a larger
98 increase than typically seen but does not anticipate needing such a large increase in future years.
99

100 Mr. Brown opened the meeting to public comment. Mr. Struthers asked if there would be a separate
101 budget for senior services. Mr. Brown displayed the Adult Services budget and stated that there is also a
102 fund with approximately \$20,000 that is dedicated to seniors. Mr. Struthers said that adult programming is
103 different than senior programming and suggested that there be a senior-specific line item. He also said that
104 the City promised a 7% tax reduction after separation, however a tax increase occurred. He noted that the
105 Town was able to accurately predict their increase, and asked why this was not the case in the City. Mr.
106 Brown said that nothing was guaranteed nor promised. Inflation could not be predicted, and the new
107 positions will allow the City to take care of necessary initiatives, such as a rental registry. Mr. Brown said
108 that the Town cut services and used federal funds to mitigate increases. Mr. Struthers asked if the City
109 would be able to collect funds from the 42% paid into the Town fund balance and said that the City fund
110 balance was in negative numbers. Mr. Brown said that the City attempted to recoup these funds but was
111 not able to. Ms. Morris said that the fund balance was not in negative and is currently around \$430,000.
112 Mr. Tyler said that some concessions and hard choices needed to be made when negotiating with the Town.
113 Mr. Struthers said that a deficit of 11 million dollars is expected by FY28 in the Capital fund. Mr. Brown
114 said this is not accurate and that the Local Option Tax (LOT) will provide for these needs. He also said
115 that all of these projects would not be fully complete by FY 28.
116

117 Ms. Pearson said that the seniors need a full-time employee, not just an employee who handles adult
118 programs in general. Mr. Brown said that this could always be changed in the next budget year if it needs
119 to be improved upon. Ms. Cooper said that it seems like the City Council is asking residents to fund
120 committees and positions that are not fully defined and that this is not an appropriate way to run a
121 community. She said that seniors and their needs need to be prioritized. Mr. Chawla said that the City
122 needs to be able to respond to future needs for which they may not be able to be predicted at this point.
123 Ms. Cooper expressed concern about the funding for new committees and said that she has served on other
124 committees where she believes the funds were not well-managed.
125

126 Mr. Richard Smith said that he was interested in focusing on how to get more revenues into the City and
127 suggested that Global Foundries pay additional taxes. Mr. Brown said that Global Foundries should be
128 reassessed by the end of FY25. Mr. Tyler said that getting more development into the industrial area
129 around Global Foundries is both a challenge and a goal for the City. Mr. Smith expressed concern about
130 the schools, state properties, Champlain Valley Expo, and other municipal property that is not providing a
131 benefit to Essex Junction and is not taxed. Mr. Brown said that non-profits and government property are
132 not able to be taxed under federal law. Mr. Richard Smith suggested adding an additional tax on cannabis
133 to increase funds. Mr. Chawla said that the City is restricted to a maximum of a 1% of local option tax and
134 that a cannabis tax would not make much of a difference. Mr. Tyler said that almost all the grand list
135 growth in Essex Junction has been due to multi-family and commercial buildings. Mr. Brown said that the
136 City also plans to increase development fees to better align with other municipalities fees.
137

138 Ms. Clark asked if abutters are notified of new developments. Ms. Mahoney said that they are for
139 Development Review Board meetings and that agendas are posted a week in advance. Mr. Houghton said
140 that he was under the impression that the state property on West Street was supposed to be turned over to
141 the City, however this never happened. He also expressed concern about library staffing, as the location
142 has been closed due to a lack of staff. He does not see very many patrons either. Mr. Houghton asked for
143 confirmation that the \$20,000 in senior funds was kept separate from other municipal funds, which was
144 given. He said that these funds had been left by seniors in their wills. Mr. Houghton said that he believes

145 that most of the community understands that this is a year in flux and that many things may not be defined.
146 He also reminded the Council that there are people in the community who are hurting financially. Mr.
147 Harlan Smith asked if money for the new committees is not included in the budget, then when is the
148 earliest that it could be put in place. Mr. Brown said if the budget is voted down, it will go back to the City
149 Council for them to determine the reasoning for this. He said that he would not create a description for a
150 position or committee that is not funded.
151

152 **6. BUSINESS ITEMS**

153 **a. Introduce Chris Yuen, Community Development Director**

154 Ms. Mahoney said that Mr. Yuen started in early February and has already been working on process
155 improvements. Mr. Yuen said that he had worked in transportation planning with a focus on equity prior to
156 coming to Essex Junction. He is very excited to work on expanding housing options and transportation
157 initiatives in the City. Mr. Tyler asked Mr. Yuen where he was from originally, and he said that he was
158 born in Hong Kong but grew up in Vancouver and spent time living in Toronto and Portland, Oregon. Mr.
159 Chawla asked what Mr. Yuen had found most challenging. Mr. Yuen said learning about the intent of the
160 Land Development Code (LDC) and what the communities' desires are. He said that Terry Hass, Assistant
161 Zoning Administrator, has been very helpful in providing context.
162

163 **b. FY22 Audit Report, Bill Keyser**

164 Mr. Keyser said that the City received a clean, or unmodified, audit. FY 22 did not require a single audit
165 due to the amount of federal grant funds spent. While audits are not intended to detect fraud, this audit did
166 not detect any issues with financial statements being misstated. He discussed steps that have been taken to
167 separate the finances between the City and the Town. Ms. Morris explained that the management
168 discussion and analysis, which is a summery of what was detailed in the report, was updated and is now in
169 the packet and website. Hard copies are also available at City Hall. Mr. Brown asked Mr. Keyser for his
170 key takeaways. Mr. Keyser said that municipal budgets are tracked very well by the City, and that very
171 few adjustments are needed. He also said that City and Town staff are both very dedicated. He assured the
172 Council that funds between the City and Town had not been comingled inappropriately. Ms. Morris noted
173 that voters approved an increase to the fund balance last year, which is included in the audit.
174

175 **c. Discussion of FY24 Proposed Budget and Capital Program Budget**

176 Ms. Mahoney said that staff is suggesting including \$17,000 for elections, \$10,500 for new committees,
177 and a small increase for postage in the FY 24 budget. She also encouraged the Council to think about
178 potential municipal space needs going forward. Ms. Morris said that the City collected around \$240,800 in
179 local option tax last quarter. Annual revenue is estimated at \$740,000, which is more than expected. Mr.
180 Tyler suggested that this money be put away for capital needs so that no bonds would be required in the
181 future. Mr. Brown encouraged Ms. Mahoney to look further into space needs so that they could be further
182 researched. Mr. Brown requested public comment. Ms. Clark and Ms. Cooper asked for clarification on
183 financial figures, which was given. Ms. Cooper asked if money is included in the fund balance if it is not
184 spent. Mr. Brown confirmed that this is correct. Ms. Cooper said that she felt that too much money was
185 going into the fund balance and referred to it as a slush fund. Mr. Brown said that the fund balance is
186 helpful in case of an emergency. Ms. Mahoney said that there is a difference between the unassigned fund
187 balance and the fund balance. Mr. Brown said that 7.62% of the budget, or approximately \$500,000, is
188 unassigned fund balance. Ms. Sari said that there was an earmarked amount set aside for purchasing masks
189 last year, which did not happen. She asked if that was included in the fund balance. Mr. Brown said that it
190 was not, as the money for this was federal funds.
191

192 Mr. Brown said that the only other unresolved portion of the budget is regarding Councilor stipends. Mr.
193 Kerin and Mr. Tyler are not in favor of increasing stipends. Mr. Chawla, who originally suggested the
194 increase to Councilor stipends, suggested doing a more combined approach and seeing what can be done to
195 welcome and develop interest in the role of City Councilors. He proposed increasing the stipend to \$2,500.
196 He said that attracting diverse candidates is not just about how much a councilor is paid but realizing that
197 there are costs associated with serving in this role. He also said that he did not want to be seen as calling
198 into question the motivations of anyone serving now but that realizing that many people may want to serve
199 but not see it as possible.

200
201 Mr. Tyler said that there are many things in the current budget which are “aspirational” and said that many
202 people are expecting a tax decrease from this year’s budget. He does not believe that now is the time for
203 this. Mr. Chawla said that it is important to “future-proof” the community and ensure that the Council is
204 well-represented. He said that the increase is not going to be put in the charter and could be revisited next
205 year. Mr. Tyler said that he feels that there are other ways to achieve this. Ms. Thibeault said that she
206 would be in favor of the plan to increase stipends to \$2,500. Mr. Tyler said that he believes that taxpayers
207 should be voting on the increase for the City Council directly rather than including it in the general fund.
208 This would mean that it would be included in the FY 25 budget rather than FY 24. It would also put some
209 distance between the current Council and the stipend increase so that it does not appear that they are giving
210 themselves a raise.

211
212 **d. Department Head Conversation with Jess Morris**

213 Ms. Morris said that the Finance Department has been working on completing the audit, preparing the
214 budget, and figuring out how to set up duties regarding financial separation. She said that the third finance
215 employee started in December, and the other finance employee had her job description recently redone.
216 Town and City staff continue to work together daily and get along well. The finance departments are
217 working with the state to separate the grand lists, and a new software system is being utilized for this. She
218 said that she had felt very supported by the City Council as well as both the interim co-managers and Ms.
219 Mahoney. Mr. Brown and Mr. Tyler thanked Ms. Morris for her ideas on improving the financial systems
220 in the City and her good communication skills.

221
222 **e. Discussion and Consideration of Dog Ordinance Amendments & Rules of Procedure for Dog Bite**
223 **Hearings**

224 Ms. Mahoney presented the draft Rules of Procedure for Vicious and Potentially Vicious Dog Hearings.
225 This document will assist the Council in determining how these requests are handled. Dog bite hearings
226 will be held separately from regular meetings. Mr. Tyler suggested that the Council make decisions on dog
227 bites with a “preponderance of evidence” rather than a higher standard. Ms. Mahoney said that the City
228 Attorney Claudine Safar agrees with this standard. Mr. Chawla asked if there was a way to limit what
229 cases were reviewed. Ms. Mahoney said that repetitive cases or evidence could be excluded. Ms. Thibeault
230 suggested that time limits be set for comments. She also explained methods available for excluding
231 repetitive testimony. Mr. Chawla said that he was concerned about repeatedly hearing from dubious dog
232 experts who are not directly connected to the situation. Ms. Thibeault said that she does not think that
233 there is a way to have a public meeting with public input requested, where input from anyone in the public
234 was not permitted. Mr. Brown said that, under state law, Councils could set time limits on speaking,
235 however anyone present needs to be allowed to speak. Mr. Tyler suggested having a time limit, with the
236 option of allowing the chair to extend this. All agreed with this idea.

237
238 Ms. Mahoney said that the draft ordinance is included in the packet. She pointed out that this defines what
239 a “potentially vicious dog” is. The ordinance also details when euthanasia would be an option, noting that

240 it would only be applicable if a dog bites a person who sought medical attention. Ms. Thibeault pointed
241 out an inconsistency between current state statutes and City regulations, asking if a dog-on-dog bite would
242 merit an investigation. Mr. Brown requested public input. None was given.
243

244 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the City Council warn a public**
245 **hearing on March 8, 2023, at 6:30 p.m. to receive comment on the following changes to the Essex**
246 **Junction Municipal Ordinances: to replace the existing Chapter 5: Regulation of Dogs in its entirety**
247 **with the proposed Chapter 5: Regulation of Dogs. Motion passed 4-0.**
248

249 **7. CONSENT ITEMS**

250 **Motion by RAJ CHAWLA, second by GEORGE TYLER, to approve the consent agenda. Motion**
251 **passed 4-0.**

252 **a. Approve Check Warrants #17339 (020623) and #17340 (021023)**

253 **b. Approve Minutes: February 1, 2023 and February 8, 2023**

254 **c. Little League Opening Day Parade Street Closure**

255 **d. CVE Banner Requests**

256 **e. Cannabis Control Board Commission Approval of Tier 1 Indoor Cultivation, VT L#S-000001517,**
257 **Passion Fruit Farms, LLC**
258

259 **8. READING FILE**

260 **a. Council member comments: None**

261 **b. FY22 Fund Balance Assignments**

262 **c. Town Health Officer Report**

263 **d. Tree Advisory Committee Minutes: January 16, 2023**

264 **e. Joint Housing Commission Minutes: January 18, 2023; February 15, 2023**

265 **f. Board of Civil Authority Minutes: February 8, 2023**

266 **g. Email from Annie Cooper**
267

268 **9. EXECUTIVE SESSION**

269 **a. None.**
270

271 **10. ADJOURN**

272 **GEORGE TYLER made a motion, seconded by RAJ CHAWLA, to adjourn. Motion passed 4-0 at**
273 **9:55 p.m.**
274

275 Respectfully Submitted,

276 Darby Mayville

277 Recording Secretary
278
279