

CITY OF ESSEX JUNCTION
CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 8, 2023

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

ADMINISTRATION and STAFF: Regina Mahoney, City Manager; Susan McNamara-Hill, Clerk/Treasurer; Jess Morris, Finance Director; Ashley Snellenberger, Communications & Strategic Initiatives Director

OTHERS PRESENT: Marcus Certa, Heidi Clark, Annie Cooper, Elaine Haney, Brett Johnson, Tacy Lincoln, Tim Miller, Frank & Michelle Puleo, Janelle Racine, Ken Signroello, Harlan & Richard Smith, Jason Struthers, Dennis Thibeault, Alison Wermer, CR RSM

1. CALL TO ORDER

Mr. Brown called the meeting of the City Council to order at 6:30 PM.

2. AGENDA ADDITIONS/ CHANGES

None.

3. APPROVE AGENDA

No changes, thus no approval required.

4. PUBLIC TO BE HEARD

Mr. Struthers mentioned that the City Council, acting as the Cannabis Control Commission, had recently approved Tier 1 Indoor Cultivation for Passion Fruit Farms, LLC. He asked if the Board had a change of heart on the cannabis issue. Ms. Mahoney said that the Development Review Board had decided to grant a home occupation permit to Passion Fruit Farms. A home occupation is under different review and zoning requirements than other uses. As it met the Land Development Code regulations, the Cannabis Control Commission approved the application.

5. PUBLIC HEARING

a. Public Hearing on the Municipal Dog Ordinance

Ms. Mahoney said the proposed dog ordinance closely matches the current Town of Essex ordinance. This ordinance will allow the City Council to address dog-on-dog violence. Mr. Brown requested public input. Mr. Richard Smith asked how many cases the Council expects to hear in a year. Mr. Brown said that he estimates a few a year. However, no concrete estimates can be given. Annie Cooper thanked the Council for their hard work on this initiative. Mr. Brown closed the public hearing.

6. BUSINESS ITEMS

a. Interview and consider appointment of Tacy Lincoln, for Bike/Walk Committee

Ms. Lincoln said that she recently retired and would like to be able to give back to the community. She enjoys walking and would like to ensure that walking and biking are open to all community members. Mr. Tyler discussed the Bike/Walk Committee's regional work to expand the bike and pedestrian network.

GEORGE TYLER made a motion, seconded by DAN KERIN, to appoint Tacy Lincoln to the Bike/Walk Committee for a term of one year. Motion passed 5-0.

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97

b. Discussion and Consideration of Dog Ordinance Amendments & Rules of Procedure for Dog Bite Hearings

Regarding the Rules of Procedure, Ms. Mahoney said that she has had the City Attorney and the Essex Police Department review the document. The City Council indicated approval for allowing the City Council Chair, Vice-Chair, or police officer to run a dog bite hearing. Mr. Tyler suggested posting signage about the updated ordinance at the Essex Junction Dog Park, especially regarding the potential ramifications of dog-on-dog attacks and how to report these issues. The Council reviewed the City Attorney's changes and made appropriate edits.

Regarding the Dog Ordinance, Ms. Thibeault made several numerical and grammatical edits. Mr. Chawla asked for clarification on what would be considered trespassing and if the municipal right-of-way would be included. Mr. Kerin said this could be very difficult to determine unless there was video footage. He also said that trespassing could not occur unless the property was posted or a trespass notice was issued. Ms. Mahoney will talk to the City Attorney and Police Department to see if a definition for trespassing needs to be established. Mr. Tyler said that this would continue to be an evolving document as time went on. Mr. Brown requested public comment, none was given.

GEORGE TYLER made a motion, seconded by RAJ CHAWLA, that the City Council adopt the changes to the Essex Junction Municipal Ordinances: to replace the existing Chapter 5: Regulation of Dogs in its entirety with the proposed Chapter 5: Regulation of Dogs; and adopt the Rules of Procedure for Vicious and Potentially Vicious Dog Hearings.

Friendly amendment by ANDREW BROWN to add “as amended at this meeting” to the motion. The friendly amendment was accepted by GEORGE TYLER. Motion passed 5-0.

c. Discussion and Consideration of the Water Service Line Inventory Loan

Ms. Mahoney said there is a new federal requirement stating that, by October 2024, municipalities with water systems must inventory residential service lines to identify lead. The state of Vermont, with federal funding, has put money aside in a 0% interest loan to help municipalities achieve these requirements. If lead is found, a replacement plan will need to be established. Ms. Mahoney said that it is suggested to sole source this project to MSK Engineers, as they have been working with the state of Vermont on this project. It is also suggested that voters approve this project at Annual Meeting. Mr. Brown said that MSK's partnership with other municipalities and the state of Vermont makes them uniquely qualified to take on this project. The City does not have a sense of how many lead pipes might be present. Ms. Thibeault asked if there was a chance that the City might not get the loan. Ms. Mahoney said she believes the state has already allocated funds for each municipality. However, the exact amount of money will be decided upon after applying.

RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the City Council ask the voters to authorize a planning loan through the Drinking Water State Revolving Fund for a project in the Water Enterprise Fund to complete a service line inventory and lead service line replacement plan in an amount not to exceed \$433,700 to be financed over a period not to exceed ten years; authorize a sole source contract with MSK Engineers for the water service line inventory and replacement plans; and authorize the City Manager to execute the contract with MSK Engineers, and apply for the loan, following voter authorization. Motion passed 5-0.

d. Discussion and Consideration of FY24 Proposed Budget and Capital Program Budget

98 Ms. Mahoney said that the City had two public hearings and had made some changes as a result of this.
99 The paving increase and a stormwater matching grant fund request would be covered by the Local Option
100 Tax (LOT). The estimated tax rate increase is 1.3% or \$33.83 on an average property with an assessed
101 value of \$280,000. The utility rates would be approximately up 8.5%. Mr. Brown discussed some more
102 recent changes and said that 50% of the salary for the Code Enforcement Officer would be paid via either
103 the LOT or funds from the rental registry. The benefits cost for the new Adult Services Director was also
104 adjusted to reflect that the position would be hired mid-year. With these changes, the new tax increase will
105 be 0.4%. Mr. Brown said this budget would allow the City to operate as a fully independent municipality.
106 Mr. Chawla said that the new Code Enforcement and Planning positions would allow the City Council not
107 to wait to address housing and ordinance issues. He said savings were anticipated, but there is a strong need
108 for the work these positions will implement. Mr. Tyler said that he felt that the City Council stipend was
109 acceptable and that a large portion of the LOT should be saved each year for an emergency. Mr. Brown
110 requested public input, none was given.

111
112 Ms. Morris said that the total FY 24 budget, with the changes, is \$11,421,171, of that to be raised in
113 property taxes is \$10,420,986.

114
115 **DAN KERIN made a motion, seconded by GEORGE TYLER, to approve of the various FY24**
116 **budgets with the changes that Ms. Morris presented. Motion passed 5-0.**

117
118 **e. Discussion and Consideration of Warning for Annual Meeting**

119 Ms. Mahoney said the informational meeting would take place online at 6 PM on Monday, April 10. No
120 voting of any kind will take place that night, and voting will occur the next day via Australian ballot or by
121 mail. Ms. Mahoney said the budget and charter changes would be discussed at the informational meeting.
122 She then went through the articles on the proposed warning. She said that voters would be asked to set the
123 date of the Annual Meeting for next year while also being asked if the City Council will have the authority
124 to set future dates of Annual Meetings. This is due to the fact that the legislature will be required to
125 approve any charter changes. Voters will also be asked to approve a 0% City loan for the water service line
126 inventory. The date of the Annual Meeting was compared to an interfaith calendar to look for possible
127 conflicts.

128
129 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, to adopt the warning for the**
130 **Information Hearing on April 10, 2023 and Annual Meeting of April 11, 2023, as amended. Motion**
131 **passed 5-0.**

132
133 **f. Discussion regarding the new City Manager 6-month Check-in**

134 This was discussed in Executive Session.

135
136 **7. CONSENT ITEMS**

137 **RAJ CHAWLA made a motion, seconded by DAN KERIN, to approve the Consent Agenda. Motion**
138 **passed 5-0.**

139 **a. Approve Check Warrants #17342 (022423)**

140 **b. Approve Minutes: February 22, 2023**

141 **c. Authorize Council President to sign Local Option Tax Bill S.60 Support Letter**

142 **d. Bid Award for School Street Sprinkler System**

143

144 **8. READING FILE**

145 **a. Council member comments:** Mr. Brown said the Annual Report would be dedicated to the former
146 Village of Essex Junction and requested additional dedication suggestions. He also said he would like the
147 Council to host more informal coffee chats to meet the community at public locations. Mr. Chawla asked
148 for a status update on Essex Rescue, noting that Essex Junction did not sign a letter with the other
149 communities, as noted in the Seven Days article. Ms. Mahoney said that municipal staff would be meeting
150 with Essex Rescue soon for an update.

151 **b. IT RFP update**

152 **c. Brownell Library January Report**

153 **d. Seven Days EMS Article**

154 **e. VLCT Municipal Assistance Program Update**

155 **f. Planning Commission Minutes: February 2, 2023**

156 **g. Development Review Board Minutes: February 16, 2023**

157 **h. Tree Advisory Committee Minutes: February 21, 2023**

158 **i. Joint Housing Commission Minutes: March 1, 2023**

159

160 **9. EXECUTIVE SESSION**

161 ~~a. An executive session may be needed to discuss the appointment of a public official~~

162 **b. An executive session was needed to discuss personnel matters**

163 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, that the City Council enter into**
164 **executive session to discuss a personnel evaluation, pursuant to 1 V.S.A. § 313(a)(3) to include the**
165 **City Council and City Manager. The motion passed 5-0.**

166

167 **DAN KERIN made a motion, seconded by RAJ CHAWLA, to exit Executive Session. Motion passed**
168 **5-0 at 8:20 PM.**

169

170 **10. ADJOURN**

171 **RAJ CHAWLA made a motion, seconded by GEORGE TYLER, to adjourn. Motion passed 5-0 at**
172 **8:21 p.m.**

173

174 Respectfully Submitted,

175 Darby Mayville

176 Recording Secretary

177

178