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**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
August 28, 2024**

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

ADMINISTRATION: Regina Mahony, City Manager; Brad Luck, EJRP Director; Chelsea Mandigo,
Water Quality Superintendent; Jess Morris, Finance Director; Chris Yuen,
Community Development Director.

OTHERS PRESENT: Christine Gaynor-Patterson, Tim Shea, Jeanne, Resa.

1. **CALL TO ORDER**

City Council President Chawla called the meeting to order at 6:30 P.M. He said that in previous City Council meetings members of the public have made racist and anti-Semitic comments and that these comments have disrupted presentations that were made during the public comment period. He said that the City Council does not condone such language and opposes it. He said that such comments are deeply harmful and are entirely inconsistent with the community's values. He said that while it is not possible to prevent harmful speech during public comments, the Council will continue to condemn such comments publicly.

2. **AGENDA ADDITIONS/CHANGES**

City Council Manager Mahony noted that they will table the executive session and that there are some amendments to the minutes from the August 14, 2024 City Council meeting, and requesting pulling the minutes out of the consent agenda and placing them on the deliberative agenda as Item #5g.

3. **APPROVE AGENDA**

Councilor Haney made a motion, seconded by Councilor Miller, to amend the agenda as noted above. The motion passed 5-0.

4. **PUBLIC TO BE HEARD**

a. Comments from public on items not on the agenda

Resa spoke about the Champlain Valley Expo (CVE) in the context of the Champlain Valley Fair. She noted that CVE is charging \$70 per day for use of a scooter and \$25 per day for use of a wheelchair, which is not community-minded or assistive-minded and makes CVE further seem like a business. She also spoke about how Brad Luck drafted purpose statement for the Recreation Advisory Committee (RAC), which seems like a conflict of interest. She further noted that the purpose of the RAC should not be to provide unpaid labor for any department, nor should it be to find other unpaid labor.

5. **BUSINESS ITEMS**

a. Discussion on Development of the Stormwater Utility

Water Quality Superintendent Mandigo began by setting context for this discussion. She noted that prior to separating from the Town of Essex, the capital for stormwater in the City was largely funded through the Town's Stormwater Capital Fund, despite still having separate stormwater permit requirements. She said one outcome of separation is that the City lost its funding source for stormwater capital. She said that the current "bare bones" operating budget for stormwater is situated in the General Fund, which isn't moving the City forward in implementing its permit requirements, which has some deadlines that need to be met in the next several years. She said that when she presented the FY25 budget, she also presented an alternative budget for moving forward on stormwater projects and permit implementation through the use of a stormwater utility. She said that over the past 9 months they engaged a consultant to help plan for setting up a stormwater utility.

55 Water Quality Superintendent Mandigo provided an update on the planning for setting up a stormwater utility.
56 She provided a summary of what stormwater management is, how it is currently funded, how fees for a utility
57 would be calculated, and what projected draft rates could look like for the City. She spoke about the City's
58 Municipal Stormwater Separate Storm System (MS4) permit, which is a permit mandated by the State for the
59 City, and which contains requirements for reducing stormwater runoff entering local waterways into Lake
60 Champlain. She spoke about how stormwater-related capital is being funded through the General Fund,
61 which means it's also competing with other General Fund capital priorities, and that tax-exempt properties
62 don't contribute to funding stormwater management. She noted that a stormwater utility is a way to provide
63 fair, equitable, and stable funding for stormwater management, and that it would be funded through
64 stormwater user fees (similar to water and sewer fees). She spoke about the example properties (single
65 family residential properties, commercial properties, and tax-exempt properties) in the context of stormwater
66 fees. She spoke about credits that non-single-family properties can access through an application process
67 and apply toward their stormwater fees if they have stormwater treatment practices. She said that in order to
68 establish a stormwater utility, the City would have to create a stormwater utility ordinance that would need to
69 go through the public hearing process.

70
71 Councilor Haney asked how many properties would be considered to have a high equivalent unit rate (which
72 would increase the cost of their fee). Water Quality Superintendent Mandigo replied that it is less than one-
73 fourth of the properties that would be assessed a rate. She said that this presentation is intended to be the
74 kickoff for a potential stormwater utility and that they are working to develop an outreach plan. Councilor
75 Haney asked whether this is a separate process than for the 3-acre property permit requirements. City
76 Manager Mahony noted that the 3-acre permit requirements are for larger properties that were developed
77 prior to stormwater regulations for private development, and they are currently being brought into the State's
78 stormwater permitting system and will need to address those requirements themselves. She said that the
79 City's stormwater management requirements are for a much larger area and have existed for quite some
80 time. Councilor Haney confirmed that if stormwater capital is moved out of the General Fund and funded
81 through fees, it will have an impact on lowering the tax rate (though it will not likely mean an overall cost
82 reduction for residents).

83
84 Councilor Certa asked how this would change from current funding. City Council President Chawla noted
85 that this will also impact properties that don't currently pay property taxes, which is different than current
86 state. He added that this would also allow for further investment and funding in stormwater capital. Councilor
87 Certa asked how often impervious surface calculations will be adjusted, given future development. Water
88 Quality Superintendent Mandigo replied that they are still working out details for future maintenance with the
89 consultant. Councilor Certa asked if there are any current stormwater regulations (absent an ordinance for a
90 utility), and Water Quality Superintendent Mandigo replied that there are currently requirements in the Land
91 Development Code (LDC), though there is room for improvement. Councilor Certa asked if costs would go
92 down if more users are added to the utility through increased development, and City Manager Mahony replied
93 that it is possible in theory, though the City has aging infrastructure that also needs to be repaired and
94 maintained.

95
96 b. Department Head Brief to Council, Chris Yuen, Community Development Director

97 Community Development Director Yuen provided a brief summary of the activities in the Community
98 Development Department over the last six months and what the Department is looking forward to in the next
99 six months. He spoke about the department's work in 2024 to expand the Neighborhood Development Area
100 designation in the City and the implications and benefits of that state designation, he spoke about
101 development review activity for 2024 so far (77 permits and 8 site plan applications, which are expected to
102 lead to construction of up to 164 residential units and commercial space), an initial proposal for a rental
103 registry and inspection program, improvements to enforcement processes, feedback to legislators through
104 the 2024 legislative session, a round of LDC amendments, staffing the Bike Walk Advisory Committee, a
105 new City Planner, and obtaining a grant for emerald ash borer beetle remediation. He spoke about activities
106 for the next six months for the department, which include resuming work on Main Street Park, Amtrak Station
107 renovation, further work on the "Connect the Junction" Transit-Oriented Development Master Plan, and Pearl

108 Street short-term multi-modal improvements. He said that given these projects, the department is likely to
109 have limited capacity to take on additional new projects next year, but welcomes feedback from the Council
110 on priorities. Councilors thanked the department for their continued work on multiple co-occurring projects.
111

112 Councilor Certa asked about future staffing needs for the department, particularly around the lack of a code
113 enforcement officer. He also asked for feedback on the Health Officer role and call volume. Director Yuen
114 replied that the Health Officer position is separate from much of the Community Development Department's
115 purview, and noted that call volumes for the Health Officer tends to ebb and flow. He said that in terms of
116 other enforcement items and potential gaps given the lack of an enforcement officer, there are some equity
117 issues when the City is focused on a complaints-based system and giving attention to just those complaints.
118 He said the solution could come down to reviewing the City's overall enforcement goals. He said that the City
119 is still able to focus on priority enforcement items with its current staff, though it has to prioritize what has the
120 strongest impact. He said that the current staff size is challenging, but that this is a common challenge across
121 small municipalities, and said that as long as they are able to prioritize important items, they are able to
122 achieve quite a lot.
123

124 Councilor Thibeault asked if there has been a noticeable change in the number of permits being pulled, and
125 Director Yuen replied that it is relatively consistent, though there are some changes in the types of permits
126 being pulled.
127

128 City Council President Chawla thanked Director Yuen and the department for the work on the multi-modal
129 improvements for Pearl Street, and acknowledged their hard work (along with the Planning Commission) on
130 the rental registry proposal. He said that they will keep the discussion on this particular topic moving forward.
131

132 c. Discussion Regarding City Committees

133 City Manager Mahony said that this discussion is generally about nimbleness for recruitment and right-sizing
134 committees, given varying degrees of interest for each. She said that they have thus far adjusted committee
135 sizes when necessary, which has worked well. She said that as they begin discussions about a RAC and an
136 ad hoc Governance Committee, it is also important to look holistically at the City's existing committees to
137 determine subject matter and activity overlap. She also spoke about the importance of increasing
138 collaboration and communications both between the committees and between the committees and City
139 Council, specifically noting the development of a process for committees to provide feedback during the
140 strategic planning process. She also spoke about potential new committees, as needs are being identified
141 through inventorying potential projects as part of the City Council's strategic planning work.
142

143 City Council President Chawla noted that capacity is always an issue given the limited time of volunteers,
144 and asked whether it could be possible to explore the creation of subcommittees of existing committees to
145 handle new policy priorities. He also asked staff to continue keeping a diversity, inclusion, and equity lens in
146 this discussion, if a proposal moves forward to remove the DEI Committee from the list of potential new
147 committees. He also asked whether there are opportunities to partner with border municipalities on some of
148 these priority policy areas.
149

150 Councilor Haney said she would be reluctant to support removing the DEI Committee from the list of proposed
151 new committees unless the Council has a strong commitment to oversee and implement its own DEI
152 processes and ensuring staff is being held accountable to DEI processes. She suggested looking at how
153 Winooski is implementing DEI processes from the Council level downward throughout the City. She spoke
154 about the proposed Downtown Economic Development Committee and the note that a volunteer effort could
155 start sooner than a formal committee. She said that there has been grassroots activity occurring in this area
156 and asked what a volunteer effort would look like and how it would interface with the City. City Council
157 President Chawla said it is important to understand the community's priorities in these areas but also
158 recognizing that staff resources are limited, and that if priorities are identified, resources need to also be
159 identified or created. Councilor Haney said that there are many discussions that could occur before forming
160 a committee. City Council President Chawla said that if a volunteer group forms, it will be important for them

161 to recruit inclusively and from a diverse pool, and to try and recruit members who haven't necessarily been
162 engaged in the past.

163
164 Councilor Certa agreed with Councilor Haney, and said he would have a hard time delaying the formation of
165 a committee if the pillars in the strategic process highlight that it is a priority for the City. He said that they
166 could leverage a volunteer effort to begin work on downtown economic development, if it means putting focus
167 on the pillars and priorities that came out of the strategic planning process. He said they should have an
168 honest conversation around staff capacity, so that that can inform upcoming years' budget discussions. He
169 also suggested exploring ways to regionalize a DEI Committee, but agreed with Councilor Haney's
170 suggestion to formalize having a DEI lens in work going forward. He also spoke about assertions about
171 difficulty filling seats on the Housing Commission, saying that it could potentially be a subgroup of the
172 Planning Commission. He said that he isn't sure if a Policy and Ordinance Committee is necessary or whether
173 it could be a working group. He asked for more feedback on whether a Community Engagement Committee
174 is necessary. He also said that an Energy Committee could be a subgroup of the Planning Commission. City
175 Manager Mahony agreed that a lot of the work of these potential committees is already going on, and said
176 that the work on the strategic plan's priorities and pillars will still occur even if a formal committee isn't formed.
177

178 Councilor Miller said that with respect to a volunteer effort for downtown economic development, he would
179 hate to see that group put in effort that would then be stalled by a lack of staff capacity to implement
180 recommendations.

181
182 d. Presentation and Discussion of Overview of Essex Junction Recreation and Parks

183 City Manager Mahony said the purpose of this is to provide an overview of how EJRP is structured and
184 functions. Director Luck provided a history of EJRP, noting that it was housed in the School District until it
185 was dissolved, at which time it came back to being housed under the municipality. He noted that EJRP has
186 two major funds. He said that the General Fund provides support for administration, parks and facilities and
187 maintenance, buildings, and a capital budget, and noted that the General Fund budget is net \$1.4 million and
188 12.6% of the total General Fund budget. He noted that the Program Fund is paid for by user fees, which
189 includes administration, the pool facilities, parks and facilities, a significant number of recreational programs,
190 community events, afterschool childcare, preschool, and summer day camps. He noted that the total program
191 fund budget is \$3.8 million and contains 20 FTEs. He noted that users of programs bear the brunt of cost
192 and that non-users don't have to contribute involuntarily to these costs. He noted that surplus revenue is
193 reinvested in programs, community events, and staffing to support them. He noted that General Fund budget
194 planning begins 10 months prior to a new fiscal year, and 22 months before some programs even would
195 need to have been anticipated. He noted that EJRP has to be regional in order to be flexible with the capacity
196 it has. He spoke about EJRP's Capital Fund, which has existed since 2002. He noted that EJRP's overall
197 funding split is 73% Program Fund and 27% General Fund, noting that the industry average is the inverse of
198 this.

199
200 Councilor Certa asked about the strategy for being nimble and flexible in forming new programs for the
201 community. Director Luck replied that they identify the wants and needs of the community, hearing feedback
202 from individual residents, and outreach from local vendors and contractors. He spoke about the particular
203 example of creating a driver's education program. Councilor Certa asked about the process or policy for
204 prioritizing residents in regional programming (such as a basketball league). Director Luck replied that
205 residents aren't prioritized in regional programming and that prioritization hasn't been necessary.
206

207 Councilor Miller asked about the management of facilities and the balance for what EJRP needs to
208 accomplish for recreation and what the City needs to accomplish for buildings. Director Luck replied that this
209 is an ongoing conversation among staff leadership. He said that operations were not negatively impacted
210 when staff moved to 2 Lincoln Street, though it did put some strain on staff at certain points.
211

212 City Council President Chawla asked about EJRP's priorities. Director Luck replied that their priority is
213 facilities, including indoor gym space and field space, in order to continue high-quality programming. He said

214 that a facility feasibility study is in the works, and that they also welcome a Recreation Advisory Committee
215 (RAC). He also noted that the court spaces within Essex Junction are in need of renovation.
216

217 e. Discussion and Consideration of the Recreation Advisory Council

218 Director Luck noted that this proposal is an initial draft, and is based on the previous RAC, in terms of roles
219 and responsibilities. Councilor Haney noted that the last RAC members were extremely involved, and asked
220 whether that expectation carries forward into this iteration of the group. Director Luck replied in the
221 affirmative, saying that if the Council supports it, it should be an expectation for future volunteers. Councilor
222 Haney asked if there should be a requirement that members use programming and facilities. Director Luck
223 replied that the RAC could have a requirement that each member represents a different program, but noted
224 that this isn't a requirement of any other committee. City Council President Chawla said it would be good to
225 incorporate how members influence programming and decisions about EJRP and its programs. Director Luck
226 spoke about how user feedback is incorporated into EJRP's operations and processes, and said that this
227 committee could serve as another point of feedback.
228

229 Councilor Certa said he would like to see the members of the RAC attend programming in order to obtain
230 feedback from users. He said that he appreciates the proposal for a youth representative of the group and
231 said he would also like to see a proposal for a senior representative for the group. He asked if the proposed
232 bi-monthly periodicity is sufficient. Director Luck replied that meeting more than this may not be necessary,
233 but that the group could be flexible enough to schedule additional meetings if items arise.
234

235 The Council discussed the specifics of the proposal itself. City Council President Chawla said he would be
236 fine with bi-monthly meetings, would suggest a two-year term on a fiscal year basis, and would have five
237 adults and two youth members. Councilor Thibeault agreed with these proposals. Councilor Miller said he
238 would like to see more than one report-out to the City Council per year. Councilor Haney suggested
239 staggering terms to avoid significant turnover on the committee. Councilor Certa requested having at least
240 one senior member as one of the adult members, and suggested having shorter terms for youth (potentially).
241 Councilor Thibeault suggested framing recruitment as wanting a wide variety of applicants, rather than getting
242 to a level of specificity for the number of members from each group.
243

244 The following public comments were received:

- 245 • Christine Gaynor-Patterson said that this committee seems more like a workgroup than an advisory
246 committee, and encouraged the Council and the City to examine the purpose and function of this (and
247 other) committees. She also emphasized infusing equity into each committee, rather than creating a
248 DEI committee.
- 249 • Resa agreed with Ms. Gaynor-Patterson. She said that this committee proposal seems like a
250 recreational ambassadorship committee. She also said the City should continue to explore
251 regionalizing its programming.
252

253 Director Luck said that regardless of committee composition, the Council should explicitly note if it wants a
254 youth member to serve on the committee, given that that is unique and not normal for other City boards and
255 committees. Councilor Haney suggested designating seven members with one designated as a youth
256 member. Councilor Certa said that in order for this to be an effective advisory committee, it needs to do
257 outreach and needs to be available for feedback, which should be explicit in the proposal's focus. Director
258 Luck suggested an edit to emphasize this point. City Manager Mahony summarized deliberations, which
259 included a two-year term, bi-monthly meetings, a composition of seven members with a minimum of one
260 youth member, that the group be called a committee, that terms are July 1 – June 30, that members are
261 residents of the City, that the focus of the group be edited to include "to engage", and that four votes are
262 required for an affirmative vote, and four members are required for a quorum. The Council agreed that they
263 can begin recruiting for this imminently.
264

265 **Councilor Miller made a motion, seconded by Councilor Haney, to adopt the Essex Junction**
266 **Recreation and Park Advisory Committee purpose statement with the Council’s suggested edits. The**
267 **motion passed 5-0.**

268
269 f. *Discussion and Consideration of an Executive Session to discuss a Contract
270 This agenda item was tabled.

271
272 g. Approve Meeting Minutes: August 14, 2024
273 City Manager Mahony recommended an edit under Item #4a (Public to be Heard) to read: “Steven Eustis
274 spoke about four properties on South and West Streets not mowing grass along the sidewalks...He
275 suggested that the City mail letters to property-owners on Wilkinson, Tyler, and Hayden Drive who have
276 Planning Commission-required ash street trees on their properties that are along the sidewalk to notify them
277 that they should take the trees down.”

278
279 **City Council President Chawla made a motion, seconded by Councilor Haney, to approve the August**
280 **14, 2024 minutes as amended. The motion passed 5-0.**

281
282 **6. CONSENT ITEMS**

- 283 a. Approve Meeting Minutes: August 14, 2024 **now Business Item #5g**
284 b. Letter of support for Manager for the VT Local Government Institute

285
286 **Councilor Thibeault made a motion, seconded by Councilor Certa, to approve the consent agenda as**
287 **presented. The motion passed 5-0.**

288
289 **7. COUNCILOR COMMENTS & CITY MANAGER REPORT:**

290 City Manager Mahony noted that the Second Annual Greatest Tree Contest is being hosted by the Tree
291 Advisory Committee, noting that nominations are open from September 1 to September 30 online and
292 through a paper form. She noted that Water Quality Superintendent Mandigo hosted a tour of the Water
293 Resource Recovery Facility for the Williston Selectboard.

294
295 **8. READING FILE**

- 296 a. Check Warrant #24052 08/23/2024
297 b. Williston Wastewater Capacity Purchase
298 c. FY24 Restorative Justice Report
299 d. PCAB Minutes 07/16/2024

300
301 **9. EXECUTIVE SESSION**

- 302 a. *An Executive Session may be needed to discuss a Contract
303

304
305 **10. ADJOURN**

306
307 **City Council President Chawla made a motion, seconded by Councilor Haney, to adjourn the meeting.**
308 **The motion passed 5-0 at 9:38 P.M.**

309
310 Respectfully Submitted,
311 Amy Coonradt