

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55

**CITY OF ESSEX JUNCTION
CITY COUNCIL
REGULAR MEETING
MINUTES OF MEETING
March 12, 2025**

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

ADMINISTRATION: Regina Mahony, City Manager; Colleen Dwyer, Human Resources Director; Wendy Hysko, Library Director; Chelsea Mandigo, Water Quality Superintendent; Jess Morris, Finance Director.

OTHERS PRESENT: Bethany Clark, Jake Clark, Jeffrey Cram, George Dunbar, Rebecca Gilbert, Jeanne Grant, Bill Keyser, Christine Packard, Brian Shelden, Ella Tabone, Jim Waite, Resa.

1. **CALL TO ORDER**

City Council President Chawla called the meeting to order at 6:30 P.M.

2. **AGENDA ADDITIONS/CHANGES**

City Council President Chawla proposed reordering the agenda to make #5c be #5b, make #5e be #5c, make #5b to #5d, and make #5d be #5e.

3. **APPROVE AGENDA**

City Council President Chawla made a motion, seconded by Councilor Miller, to reorder to agenda as articulated in item #2 above. The motion passed 4-0 (Councilor Haney absent for vote).

4. **PUBLIC TO BE HEARD**

George Dunbar spoke about the proposed MOU between the City Council and Brownell Trustees, asking that the Council provide background information and rationale during its discussion tonight on why the MOU is necessary. He shared concerns related to the proposed MOU, including the City Council ceding its decision-making authority on library closures to the Trustees, saying that the Library should be treated like any other City department as it relates to decisions around closures. He also expressed concerns pertaining to the language in the MOU related to budget development and changes, saying that as written it seems to be in violation of the charter. He suggested that if a MOU is necessary, it should be end-dated, reviewed, and adjusted periodically.

5. **BUSINESS ITEMS**

a. FY24 Audit Presentation, Bill Keyser

Bill Keyser of accounting firm Kittell, Branagan & Sargent provided an overview on the City's Fiscal Year 2024 audit results. He said that overall, it was a clean audit and there were no material adjustments that had to be made or proposed to management. He noted that this was the second year the City was required to have a federal single audit, given that federal expenditures were greater than \$750,000 in the fiscal year, and the focus of the federal portion of this year's audit were the use of federal ARPA funds. He noted that there were no findings, errors, or issues, and that they have no additional internal control recommendations for the Finance Department.

Mr. Keyser then reviewed the City's financial statements in detail. He summarized the management discussion and analysis, government-wide financial statements, and fund financial statements. He noted that the City continues to have a strong cash position with a total balance of \$13.5 million and that utilities collections and accounts receivable continue to be extremely successful for the City. He spoke briefly about restricted fund balances, noting that the unassigned fund balance is \$865,000, or 7.5% of the future expenditures. He noted that overall, 2024 General Fund operations resulted in an increase of fund balance

56 of just over \$3.5 million, which is inflated due to the ARPA funds used during the fiscal year, and that figure
57 should decrease in 2025 when those funds are fully expended. He noted that the proprietary funds (water,
58 wastewater, sanitation, etc) all had positive increases in net position in FY24. He spoke briefly about the
59 City's budget-to-actuals schedules for FY24.

60
61 Councilor Certa commended the City's finance team on its solid performance as shown in this audit. He
62 asked whether Mr. Keyser and his team provide suggestions or recommendations for continuous
63 improvement, and Mr. Keyser replied that they provide recommendations on best practices where
64 appropriate.

65
66 b. Discussion and Consideration of a 3 MW Solar Array at Global Foundries on Essex Lot C

67 Jake Clark with Encore Renewable Energy presented on this item. He began by noting that Global Foundries
68 was granted permission by the Public Utilities Commission (PUC) to operate as its own utility, and is pursuing
69 projects to remain in compliance with renewable energy standard requirements as a result of that utility
70 status. He noted that this project in particular is a three-megawatt project located on a site on the crook of
71 the Winooski River comprising 6,096 solar panels across 11 acres of parking lot. He noted that the project
72 connects directly into other parts of the Global Foundries campus. He noted that the impacts of the project
73 to surrounding areas are extremely limited, given that it is in a mostly unused parking lot on part of the Global
74 Foundries campus, and that the project will not be visible off-campus because it is screened by trees. City
75 Council President Chawla asked about removing the pavement prior to installing solar panels, and Mr. Clark
76 replied that there are a number of underground utilities in that area, that removal of pavement and sub-base
77 during construction could cause stormwater issues, and that soil would have to be added to re-vegetate the
78 area, all of which would contribute to significantly increased project costs. He noted that one component of
79 the State's review process for awarding a Certificate of Public Good for the project is whether the City has
80 determined that the project complies with its Town Plan, which is some of the impetus for tonight's discussion.
81 He noted that three megawatts is enough to power several hundred homes for a year. He further noted that
82 Global Foundries is intending to generate 20-25 megawatts of power from solar energy on campus, which
83 would be between 3-7% of its energy needs on average.

84
85 City Council President Chawla expressed support for this project. Councilor Certa asked whether it would be
86 possible to configure the solar panels on the parking lot such that it could still be used as a parking lot and
87 cars could park under the panels. Mr. Clark replied that the carport-style solar panel configuration requires a
88 significant amount of underground steel and concrete support and that this would increase the cost of the
89 project significantly. He spoke briefly about the other solar projects on the Global Foundries campus, noting
90 6 total projects across two phases of construction.

91
92 Mr. Clark noted that one component of the State's review process for awarding a Certificate of Public Good
93 for the project is whether the City has determined that the project complies with its Town Plan, which is some
94 of the impetus for tonight's discussion. City Manager Mahony noted that the Planning Commission also
95 received this presentation and did not have concerns, and that staff can work to review and provide a letter
96 of determination that the project aligns with the City's plan.

97
98 **City Council President Chawla made a motion, seconded by Councilor Certa, to switch Business**
99 **items #5c and #5d. The motion passed 5-0.**

100
101 c. Discussion and Consideration of the Brownell Trustees and City Council Memorandum of Understanding
102 City Manager Mahony said that this proposed MOU was drafted by a working group of two City Councilors
103 and two Library Trustees. She said this MOU is an attempt to clarify the roles and responsibilities between
104 the elected bodies of the City of Essex Junction and the Brownell Library. City Council President Chawla
105 added that Brownell is considered a hybrid entity by State statute, and that this, coupled with the City's
106 charter and state legislation passed during the last biennium, really underscored the need for clearly
107 articulated roles and responsibilities.
108

109 Councillor Haney noted that the MOU states that funds raised by fundraising activities won't supplant General
110 Fund money, but would supplement it, and expressed support for the inclusion of this detail. She asked
111 whether the City's legal support for the library would extend to first amendment issues, and City Manager
112 Mahony replied that this isn't called out specifically in the MOU but said that if the library is sued for any
113 reason, the City would provide the same legal support it would provide to any other City department. Jeanne
114 Grant, Chair of the Brownell Library Board of Trustees, noted a paragraph within the MOU stating they will
115 maintain a library selection that conforms to the first amendment.
116

117 Councillor Certa spoke about the content related to authority around library closures and asked whether this
118 determination could be shared between the chair of the Library trustees and the City Manager, given the
119 Manager's responsibility for all City departments. He also asked about the authority over the operating budget
120 and personnel, and City Manager Mahony replied that the Library trustees and City staff work collaboratively
121 to develop a departmental budget that is put before the Council, and that once the budget is adopted, the
122 library trustees have the authority to use their budget as they see fit. Councillor Certa asked about whether
123 public input should be included in the process around the Library's five-year strategic plan, and City Manager
124 Mahony replied that this detail can be added to the draft MOU. Councillor Certa asked about decision-making
125 related to capital repairs and City Council President Chawla replied that as a City department, the library
126 would follow the City's capital policy. Councillor Certa suggested that the Library trustees, as the responsible
127 entity for the Library's operating budget, participate in a larger role in presenting that portion of the budget to
128 the community. Councillor Haney said that as a department of the City, the support of the City Manager in
129 defending the library's budget is crucial. Councillor Certa agreed but said that given that the Library trustees
130 are an elected body and are responsible for their portion of the budget, that maybe they could have more
131 participation. Councillor Thibeault noted that the Trustees have their own public process whereby they discuss
132 their budget prior to bringing it to the City Council's public process. City Council President Chawla said they
133 could invite Library trustees to some of the City Council's public events related to speaking about the budget
134 in order to field library-specific questions if they arise, but that he would be reluctant to include further detail
135 in the MOU. Library Director Hysko also spoke about the close and collaborative relationship between the
136 Library trustees, City Manager, Library Director, and City Council during budget development. City Manager
137 Mahony added that the newly implemented strategic planning process could be leveraged further in
138 strengthening this relationship.
139

140 Councillor Miller noted references to a quorum of the Library trustees to make decisions regarding whether
141 the library could close and asked if it would impact pay for employees if a quorum were not possible when
142 making that decision. Brownell Trustee Chair Grant replied that they have not drafted detailed procedures
143 related to specific parts of the MOU yet but were anticipating doing so once it is adopted. City Council
144 President Chawla said that he interpreted this part of the MOU as retaining the City Manager's ability to close
145 the library if needed but also adding the ability of the Trustees to do so as well (but not necessarily in an
146 emergency situation). Councillor Haney noted that the question of quorum shouldn't be an issue, given that
147 Open Meeting Law has provisions for emergency meetings whereby bodies have a 24-hour window to
148 convene and ratify any emergency decisions made. Trustees Grant and Packard agreed with City Councillors
149 to edit the MOU to further clarify the language regarding closures and Trustee authority.
150

151 The following public comments were received:

- 152 • George Dunbar asked if the City Council feels that the budgetary process as articulated in the MOU
153 would be in violation of the City's charter. City Manager Mahony noted that the MOU pertains to the
154 operating budget for the library and that funds between lines can shift within that budget. Mr. Dunbar
155 said that the City Manager is the only one with the authority to make those shifts. City Manager
156 Mahony replied that she is confident that the Library trustees also have control over their operating
157 budget.
158

159 **Councillor Haney made a motion, seconded by City Council President Chawla, that the City Council**
160 **approve the Memorandum of Understanding by and between the City of Essex Junction City Council**
161 **and the Brownell Library Board of Trustees as amended. The motion passed 5-0.**

162
163 d. Discussion and Consideration of the General Rules and Personnel Regulation Amendments

164 City Manager Mahony noted that many of the changes articulated in these amendments were proposed to
165 align with changes made to the Association contract that was adopted a number of months ago, as well as
166 align with state and federal law. She noted that there are still several outstanding sections that need review,
167 including those related to mission goals and values statements of the organization, and that this would
168 warrant a thorough review by staff and the Council. She also noted that they are still working to ensure that
169 the Fire Department is categorized correctly within this policy, which was flagged by VLCT upon its review.
170 She further noted that this agenda item includes a variety of policies the City Council has adopted over time
171 and that they are attempting to fold those into the overall personnel regulations.
172

173 Councilor Certa suggested that in future there be more clarity for staff on grievance and appeals policies,
174 given that there are two separate policies for union and non-union staff. Councilor Thibeault asked if the City
175 has a specific policy about handheld electronic use in vehicles, and Director Dwyer replied that it isn't
176 separately articulated in any of the policies, and City Manager Mahony added that employees are responsible
177 for ensuring that their conduct isn't illegal (which includes safe cell phone use).
178

179 **Councilor Certa made a motion, seconded by City Council President Chawla, that the City Council**
180 **approve the updated General Rules and Personnel Regulations as presented. The motion passed 5-**
181 **0.**
182

183 e. Discussion and Consideration of Ordinance 21 to Establish a Stormwater Utility and Warn a Public
184 Hearing

185 Water Quality Superintendent Mandigo noted that Ordinance 21 relates to establishing a stormwater utility,
186 noting that there have been changes made since the initial presentations during public hearings in November
187 and December of last year, and that this item relates to warning a public hearing related to this ordinance.
188 City Manager Mahony noted that the City received a letter from Global Foundries stating that they do not
189 believe the City has the authority to charge them the stormwater utility fee, and she said that the City feels
190 that it has this authority and feels that they should still move forward and warn the public hearing for April 9,
191 2025.
192

193 **City Council President Chawla made a motion, seconded by Councilor Thibeault, that the City Council**
194 **warn a public hearing on April 9, 2025, at 6:30 pm to receive comment on to the proposed Essex**
195 **Junction Municipal Ordinance Chapter 21: An Ordinance Relating to Stormwater Utility Regulation.**
196 **The motion passed 5-0.**
197

198 f. Discussion and Consideration of Renewal of the City Manager Contract

199 City Manager Mahony noted that her current contract is through September 2025, and she is requesting that
200 the Council extend it for two additional years. Councilors commended City Manager Mahony for her work
201 and performance and expressed support for the extension of her contract.
202

203 g. *Discussion and Consideration of an Executive Session to Discuss Attorney Client Communication and
204 Possible Litigation

205 See item #9a below.
206

207 6. **CONSENT ITEMS**

208 a. Approve Meeting Minutes: February 26, 2025

209 b. Approve Joint Planning Commission and City Council Meeting Minutes 02/06/2025

210 c. Approve Application for PACIF Grant for the Water Resource Recovery Department

211 d. Approve Application for Land and Water Conservation Fund Grant for Cascade Park

212 e. Re-Adopt the 2019 Town Road and Bridge Standards
213

214 **Councilor Certa made a motion, seconded by City Council President Chawla, to approve the consent**
215 **agenda as presented. The motion passed 5-0.**
216

217 7. **COUNCILOR COMMENTS & CITY MANAGER REPORT**: City Manager Mahony noted that CCRPC
218 received confirmation from the FTA that the Raise Grant for the Connect the Junction work has been
219 officially obligated. She also noted that the first Governance Committee meeting has been scheduled for
220 Thursday, March 27, 2025 at 6:30 P.M and the Recreation Advisory Committee's first meeting has been
221 scheduled for Wednesday, April 2, 2025 at 6:00 P.M.
222

223 8. **READING FILE**

- 224 a. Check Warrant #24070 03/07/2025
225 b. February Financial Reports
226 c. FY26 Annual Financial Plan (TA-60) for the State of Vermont
227 d. Regional Boards and Committees Minutes Memo
228 e. Police MOU with Williston for Continued Dispatch Services
229 f. Police Community Advisory Board Minutes 02/18/2025
230 g. Development Review Board Minutes 02/20/2025
231

232 9. **EXECUTIVE SESSION**

- 233 a. *An Executive Session may be needed to discuss Attorney Client Communication and Possible Litigation
234

235 **Councilor Certa made a motion, seconded by City Council President Chawla, that the City Council**
236 **make the specific finding that premature disclosure of the confidential attorney-client**
237 **communications regarding a probable litigation would place the city at a substantial disadvantage,**
238 **and that the City Council enter into executive session to discuss confidential attorney-client**
239 **communications regarding probable litigation, pursuant to 1 V.S.A. § 313(a)(1)(E) and 1 V.S.A. §**
240 **313(a)(1)(F) to include the City Council and City Manager. The motion passed 5-0 at 8:30 P.M.**
241

242 **City Council President Chawla made a motion, seconded by Councilor Certa, to exit executive**
243 **session. The motion passed 5-0 at 9:07 PM.**
244

245 10. **ADJOURN**

246
247 **City Council President Chawla made a motion, seconded by Councilor Certa, to adjourn the meeting.**
248 **The motion passed 5-0 at 9:07 P.M.**
249

250 Respectfully Submitted,
251 Amy Coonradt