

**VILLAGE OF ESSEX JUNCTION
BOARD OF TRUSTEES
MINUTES OF MEETING
November 10, 2008**

BOARD OF TRUSTEES: Deb Billado, John Lajza, George Tyler. (Larry Yandow and Peter Gustafson were absent.)

ADMINISTRATION: Dave Crawford, Village Manager.

I. JOINT MEETING WITH PRUDENTIAL COMMITTEE

The Board met with the Prudential Committee at Park Street School from 6:15 p.m. to 6:45 p.m. and then went to Lincoln Hall for the regular Trustees meeting.

II. CALL TO ORDER TRUSTEES MEETING

In the absence of Village President, Larry Yandow, Trustee Billado called the meeting to order at 7 p.m. and led the assemblage in the Pledge of Allegiance.

III. AGENDA ADDITIONS/CHANGES

Additions:

- Tentative meeting schedule
- Information on Veteran's Memorial Park funding
- Letter from Jim Malone regarding graffiti

IV. GUESTS/PRESENTATIONS

1. Comments from Public on Items not on Agenda

There were no comments from the public at this time.

V. OLD BUSINESS

1. Review/Act on Proposed Graffiti Ordinance

Dave Crawford reviewed the proposed ordinance to help stem graffiti in the village. There has been a problem with graffiti at the railroad station and other areas. Police Chief Leo Nadeau assisted with drafting the ordinance. The fine of \$500 per offense was recommended by the police. The graffiti ordinance in Burlington was used as a model. Deb Billado noted the village has had a graffiti/vandalism ordinance in place since 1972, but the fine was only \$25 per incident. According to the police the nominal fine did not cover the cost of pursuing offenses in court if necessary. The increased fine of \$500 addresses that issue. The ordinance also includes the possibility of restitution and alternative service.

Jim Malone spoke in support of the proposed \$500 fine and mentioned the graffiti and vandalism that has occurred at the Amtrak station. From September 2007 to September 2008 the building was tagged once every 10 days or so. Many cases were not reported and the graffiti was cleaned up by the property owner. The police want to keep an eye on the graffiti to determine if it is drug related. Some of the graffiti writers (young people in their early twenties) have been identified by the police. The train station has always been

a 'hot spot', but better lighting and police patrol has helped clean up activities in the area. George Tyler thanked Mr. Malone for cleaning up the graffiti at his own expense.

MOTION by John Lajza, SECOND by George Tyler, to adopt the graffiti ordinance as shown below. VOTING: 3 ayes; motion carried.

<p style="text-align: center;"><u>VILLAGE OF ESSEX JUNCTION, VT</u> <u>MUNICIPAL CODE - CHAPTER 16</u> <u>ORDINANCE PROHIBITING GRAFFITI, DEFACEMENT OF PROPERTY AND PLACING SUBSTANCES IN PUBLIC FOUNTAINS</u></p> <p><u>PURPOSE:</u> This ordinance seeks to help prevent the spread of graffiti and defacement of property, public and private. Graffiti and the defacement of property are destructive of the rights and values of property owners. They are aesthetic blights on the entire community. Graffiti and defacement of property are acts of vandalism, detrimental to the village, and are, therefore, public nuisances.</p> <p><u>SECTION 1601. DEFINITIONS.</u></p> <p>1) <u>"Graffiti"</u> means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, without being authorized to do so by the owner of the property or the owner's duly authorized agent.</p> <p>2) <u>"Graffiti implement"</u> means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.</p> <p>3) <u>"Defacement"</u> means any application or causing the application to any surface of public or private property of paint, varnish, lead, crayon, wax, ink, dye or other substance, or the carving, chiseling, writing, or other such act of any mark, figure or letter on such property without being authorized to do so by the owner of the property or the owner's duly authorized agent.</p> <p><u>SECTION 1602. PROHIBITED ACTS.</u></p> <p>It shall be unlawful for any person to make graffiti or deface any surface of public or private property unless authorized by the owner of the property or the owner's duly authorized agent.</p> <p><u>SECTION 1603. PLACING SUBSTANCES IN PUBLIC FOUNTAINS</u></p> <p>No person shall throw, put or place or cause to be thrown, put or placed in any public fountain, or the water thereof, in the village, soap, stone, dirt, ashes, shavings, sticks, garbage, rubbish or filth of any kind, nor shall any person wade or bathe in, or cause or permit a dog or other animal to go into or swim in the water of a public fountain in the village.</p> <p><u>SECTION 1604. PENALTIES:</u></p> <p>a. Any person who violates a provision of this Chapter of the Municipal Code shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police Officers of the Town of Essex shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.</p> <p>b. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee: Each offense - \$500. Offenses shall be counted on a calendar year basis.</p> <p>c. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation: Each offense - \$500. Offenses shall be counted on a calendar year basis.</p>
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VI. NEW BUSINESS

1. Review/Act on Amendments to School District Tax Collection Agreement

MOTION by Deb Billado, SECOND by John Lajza, to accept the Village of Essex Junction School District Tax Collection Agreement as submitted by CCSU.

DISCUSSION: Ms. Billado said her concern about foreclosure for tax sale with individuals on a fixed income who no longer have a mortgage and who default on their taxes was alleviated because there are options available to handle this situation at the governmental level.

VOTING: 3 ayes; motion carried.

VII. VILLAGE MANAGER'S REPORT

1. Meeting Schedule

- Meeting on 11/11/08 with CVE
- Special Meeting on 11/18/08 with presentation on the Pearl Street Improvement Project
- Regular Meeting on 12/9/08
- Budget Meeting on 12/18/08 beginning at 8 a.m.

2. Highway Aid Cuts

Dave Crawford reported VLCT is monitoring the \$3 million in state aid to local highways on the Joint Fiscal Committee agenda. Many communities signed the resolution opposing the cuts.

3. Fire Department Volunteer Support

Fire Department personnel are answering calls proactively and the village is getting a better response. It is an acceptable impact to the budget for the service.

4. Roundabouts

The Trustees reiterated their position that roundabouts accelerate travel and are not conducive to a pedestrian friendly area which is what the village wants at Five Corners. Dave Crawford mentioned two small roundabouts proposed on Pearl Street as part of the Pearl Street Improvement Project.

5. Downtown Business Group

Dave Crawford reported the business group has been meeting. The Trustees will receive the minutes of the meetings. Robin Pierce and Elaine Sopchak are spearheading the effort. George Tyler mentioned the group wants to be a long term, multi-year effort. It was suggested a charter and mission statement be drafted and submitted to the Trustees who could then pass a resolution of support for the group. John Lajza noted a previous effort to form a downtown business group fizzled out when it was time for the entity to function independently of village staff. Deb Billado agreed structure and more components of the community need to be committed to the effort. Commitment from the Trustees and local businesses is critical, and could possibly lead to some funding at some point. Structure for the group needs to be in place before proceeding with any projects.

VIII. TRUSTEES COMMENTS/CONCERNS

None.

IX. CONSENT AGENDA & READING FILE

MOTION by Deb Billado, SECOND by John Lajza, to approve the consent agenda as follows:

- 1. Approval of Minutes (10/21/08)**
- 2. Approval of the Warrants**
- 3. Veterans Memorial Park Maintenance Fund**

4. Reading list acceptance (letters/communications)

- EBPA Quarterly Newsletter
- CCRPC Agenda and Minutes
- CCMPO Transportation Advisory Committee Agenda & Minutes
- CCMPO Transportation Workshop on 11/22/08 at CVE

VOTING: 3 ayes; motion carried.

X. EXECUTIVE SESSION

MOTION by Deb Billado, SECOND by George Tyler, to go into Executive Session to discuss legal matters, contracts and/or personnel matters, and to invite the Village Manager to attend. VOTING: 3 ayes; motion carried.

The Board entered Executive Session at 7:30 p.m.

MOTION by John Lajza, SECOND by George Tyler, to adjourn Executive Session. VOTING: 3 ayes; motion carried.

Executive Session was adjourned at 8:33 p.m.

XI. ADJOURNMENT

MOTION by John Lajza, SECOND by George Tyler, to adjourn the meeting. VOTING: 3 ayes; motion carried.

The meeting was adjourned at 8:35 p.m.

RScty: M.E.Riordan