

## **Council Minutes**

**December 5, 2022**

A duly warned meeting of the Newport City Council was held on Monday, December 5, 2022 in the council room in the Newport Municipal Building. Present were Mayor Paul Monette, Council President John Wilson, Council Members Melissa Pettersson, Kevin Charboneau, and Chris Vachon, Laura Dolgin City Manager, James Johnson City Clerk/Treasurer, Police Chief Travis Bingham, Fire Chief John Harlamert, Public Works Dir. Tom Bernier, Recreation Dir. Michael Brown, City Assessor Rob Naramore, Zoning Administrator Frank Cheney, Asst. City Clerk/Treasurer Stacey Therrien, Program Administrator Rebecca Therrien, Steve Dalpe, and members of the Press and Public.

Mayor Monette called the meeting to order at 6:30 PM.

Mayor Monette stated that the agenda needed to be amended. To include executive sessions to discuss confidential Attorney-Client communications pursuant to 1 V.S.A. sec. 313(a)(1)(F) and to include an allegation of an Open Meeting Law violation pursuant to 1 V.S.A. sec 312(d)(3)(A).

Ms. Pettersson moved to add two items to the agenda. Seconded by Mr. Wilson, motion carried unanimously.

### **Executive Session for Attorney – Client Communications**

Mr. Wilson moved that premature general public knowledge of the confidential attorney-client communications made for providing legal services to the City Council would place the City at a substantial disadvantage because disclosure of the otherwise confidential advice and communication could harm the city per 1 V.S.A. (a)(1)(F). Seconded by Ms. Pettersson, motion carried unanimously

Mr. Wilson moved to enter executive session to discuss attorney- client communications for the purpose of rendering professional legal services to the City Council pursuant to 1 V.S.A. sec. 313(a)(1)(F) and to invite the City Manager, City Attorney Dave Rugh and City Clerk into executive session. Seconded by Mr. Vachon, motion carried unanimously.

In open session Ms. Pettersson moved to end executive session at 7:04 PM. Seconded by Mr. Vachon, motion carried unanimously

Mayor Monette stated a letter was received on December 3, 2022 stating three allegations of Open Meeting Law violations

Mr. Wilson moved to find that there was no open meeting law violation at the 11/21/22 council meeting due to inadequate warning of presentation of budget and setting a schedule of review at the 11/21/22 council meeting. Seconded Mr. Vachon, motion carried unanimously

Ms. Petterson moved that there was no open meeting law violation at the 11/21/22 council meeting due to inadequate warning of presentation of Errors and Omissions Request in the grand list and listers cards. Seconded by Mr. Vachon, motion carried unanimously.

Mr. Wilson moved that there was no open meeting law violation at the 11/21/22 council meeting due to the Allegation that the City has violated the Open Meeting Law by not posting items and supporting materials related to the agenda – i.e., the council packet – in sufficient time for review by the public. Seconded by Mr. Vachon motion carried unanimously.

### **Approval of Minutes**

Mr. Wilson moved to approve the minutes of November 21, 2022. Seconded by Mr. Charboneau.

Discussion, Ms. Bjurling asked that the minutes reflect that she had commented.

Mr. Charboneau withdrew the second to the motion, Mr. Wilson withdrew the motion.

Ms. Petterson moved to amend the minutes to reflect that Ms. Bjurling commented during public comment. Seconded by Mr. Wilson, motion carried unanimously.

### **Comments by the Public**

Ms. Chiarello and Ms. Bjurling commented about General fund and the Sewer/Water Funds and if the public would be able to ask more questions on previously reviewed budgets

### **North Country Mountaineers Annual snowmobile MOU (attached)**

Mr. Charboneau moved to approve the MOU between the City and North Country Mountaineer's Snowmobile Club. Seconded by Mr. Vachon, motion carried unanimously.

### **Dump Truck, Cab, and Chassis Bid (attached)**

Ms. Petterson moved to accept the bids from Charlebois and Viking for the Cab & chassis, Dump Body, Plow, and Sander in an amount of \$185,310. Seconded by Mr. Wilson, motion carried unanimously.

### **Budget Review**

The council reviewed the Police, Public Works, Fire Dept. Recreation and Other budget proposals

**New Business**

Ms. Pettersson and Mr. Vachon complimented on the Recreation Dept festivities last weekend.

**Old Business**


None

**Next Meeting Date**

December 19, 2022, at 6:30 PM

**Adjourn**

Mr. Vachon moved to adjourn at 9:30 PM. Seconded by Ms. Pettersson, motion carried unanimously.

Attested  This 19<sup>th</sup> Day of December 2022

Mayor 

City Manager ..... (802) 334-5136  
 334-3891  
 City Clerk/Treasurer ..... 334-2112  
 334-3892  
 Public Works ..... 334-2124  
 Zoning Adm./ Assessor ... 334-6992  
 Recreation/Parks ..... 334-6345  
 Fax ..... 334-5632



City of Newport  
 222 Main Street  
 Newport, Vermont 05855

TO: Laura Dolgin/City Manager  
 FROM: Thomas L. Bernier/P.W. Director *TLB*  
 DATE: December 1, 2022  
 RE: New 2023 Dump Truck Cab & Chassis & Dump Body, Plow, and Sander

The current budget allows us to replace a 2011 Freightliner M2-106 six-wheel dump truck. I sent out two separate bid requests at the same time for the cab and chassis and the body, plow, and sander. We received only one bid for the cab and chassis of the four sent out and two bids for the body, plow, and sander. This is the breakdown of the bids:

<b><u>Charlebois Inc.:</u></b> 2023 Freightliner M2 106 Cab & Chassis	\$112,510
<b>Viking Cives:</b> Dump Body, Plow, and Sander	\$72,800
<b>H P Fairfield:</b> Dump Body, Plow, and Sander	\$82,994

Everyone is dealing with the rising cost of materials and supply chain issues. It is apparent here with this truck cost increase and that only one could receive a cab and chassis next year. Our last truck ordered in 2020, a 2021 Freightliner M2 106 had a total cost of \$136,472.

I will certainly have to readjust our equipment capital plan in the coming years to account for the significant increase in equipment replacement cost.

I would like to request authorization to purchase a new 2023 Freightliner cab and chassis from Charlebois Inc. for \$112,510 and the body, plow, and sander from Viking Cives for \$72,800.



Viking-Cives of Vermont  
74 Armand Lane

Willison, VT 05495  
Phone: (802) 660-9991  
Fax: (802) 660-9992  
www.vikingcives.com

**QUOTATION**

Error! Reference  
Quote ID: source not found.

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Customer: City of Newport  
222 Main Street  
Newport, VT 05855

Quote Number: Newport  
Quote Date: 10/27/22  
Quote valid until: 12/27/22

Contact: Thomas Bernier  
Phone: 802-334-2124

Salesperson: Mike Murray

Part Number	Description	Quantity	Unit Price	Amount
	Power Hook Hitch	1		
	OW2654HS Slotted Compression Trip One Way Moldboard	1		
	Slotted Compression Trip Drive Frame	1		
	Standard Push Lug Swivel	1		
	Transmission Mounted Load Sense Pump w/Hot Shift PTO	1		
	Stainless Frame Mounted Oil Reservoir w/Enclosure	1		
	5 Section Load Sharing Implement/Spreader Valve in Enclosure	1		
	Pedestal Mount Air Actuated Implement Controls	1		
	Dual Function Electronic Spreader Control	1		
	Stainless Steel Hydraulic Piping to the Front and Rear	1		
	Duraclass SL316 10'x 24"x 34" Dump Body	1		
	1/4" AR400 Floor w/Mono Shell Understructure	1		
	3/16" AR400 Headboard and Sides w/Side Mount Flats	1		
	3/16" AR400 Air Release Tailgate w/Top Mount D-Ring	1		
	DA Under Body Hoist	1		
	1/2 Cab Shield	1		
	Body Mount Steps and Handles	1		
	Mount Customer Supplied Tool Bracket or Toolbox	1		
	Pintle Plate w/25 Ton Hook, Electrical Plug, and OEM Lights	1		
	Minimizer Poly Fenders and Front and Rear Mud Flaps	1		
	Shot Blasted and Epoxy Primed	1		
	Painted w/Blue Bed Liner and Undercoated	1		
	Stainless Single 9" Auger Under Tailgate Spreader	1		
	LED Cab and Heated Corner Post Mounted Strobes	1		
	LED Heated Stop/Tail/Turns, OEM's in Plate, LED Markers	1		
	LED Heated Plow Lights on Mirror Mounted Stainless Brackets	1		
	LED Heated Spot Lights	3		
	In Cab Controls Light	1		

Quote Total: \$72,800.00  
Trade:  
Total Due: \$72,800.00



**NEW HAMPSHIRE**  
 554 Maple Street  
 Hopkinton, NH 03229  
 P: (603) 225-9576  
 F: (603) 228-5246

## Sales Quote

**IMPORTANT:** All invoices are due and payable in U.S. Dollars in Guadalupe County, Texas, or where indicated below. No goods to be returned without our written permission. Goods must be returned transportation charges pre-paid. A handling charge will be made on all returned goods. **LATE CHARGE:** A late charge of 1.5% of any past due balance of the dealers account as of the last day of the month will be billed as of the 15th day of the following month if payment has not been received by that date.

<b>CUSTOMER NO</b>	826959	<b>TERRITORY</b>	394	<b>PAGE 1</b>
<b>ORDER DATE</b>	10/31/2022	<b>CUSTOMER PO</b>	964917LYON	
<b>QUOTE DATE</b>	10/31/2022	<b>SHIPPED VIA</b>		
<b>SALES ORDER</b>	6736320 - SQ	<b>FREIGHT TERMS</b>	EXW- CUSTOMER FRT ACCOUNT	
		EX2	DIRECT BILL TRANSER AT ORIGIN	
<b>PAYMENT TERMS</b>	Net 30 Days from Invoice Date		<b>CODE</b>	002
<b>DELIVERY INSTRUCTIONS:</b>				
		<b>REQUESTED SHIP DATE</b>	10/31/2022	

**SOLD TO:**  
 CITY OF NEWPORT CHP  
 222 MAIN ST  
 NEWPORT VT 05855-5000

**SHIP TO:**  
 CITY OF NEWPORT CHT  
 900 UNION ST  
 NEWPORT VT 05855-5566

DESCRIPTION/REMARKS
<b>SINGLE AXLE GEAR FOR 2023 FREIGHTLINER / INTERNATIONAL</b>
EVEREST MS10HT2636-H3 - 10' HARDOX DUMP BODY 26" SIDE HEIGHT, 36" GATE HEIGHT, 24" CABGUARD, 1/4" AR450 FLOOR, 3/16" AR450 SIDES, HEADBOARD, CABGUARD & 6 PANEL TAILGATE, DOUBLE ACTING UNDERBODY HOIST, AIRGATE, (2) STEPS @ LEFT FRONT LOWER CORNER, SHOVEL HOLDER, REBAR /PIPE RAIL BOTH SIDES @ 8" ABOVE BODY FLOOR, 1/2" WELD ON D-RING OUTSIDE TOP EDGE OF TAILGATE, 3/4" PINTLE PLATE, DRINGS, 25 TON PINTLE HOOK, 7 FLAT TRAILER PLUG, REAR POLY FENDERS, FRONT & REAR MUDFLAPS W/ SET OF ANTI-SAIL BRACKETS
SALTDogg 92452SSA HEAVY DUTY 9 INCH AUGER UNDER TAILGATE STAINLESS STEEL SPREADER 8' WIDTH, 15" SIDES, 18" LENGTH, 31.25" HEIGHT, DUAL MOTOR, POLYURETHANE SPINNER 18" IN DIAMETER, TOP SCREEN
EVEREST PT-QC-M HITCH COMPLETE WITH QC ATTACH
EVEREST OWSK9-CT - 11' STEEL ONE-WAY PLOW W/ OSCILLATOR BAR, ROLLER WHEEL, RUBBER DEFLECTOR, PUSHFRAME SHOES, STEEL BLADE KIT W/ NOSE & SHOES, 9' CLEARED PATH, PAINTED ORANGE
CENTRAL HYDRAULICS INCLUDE HOT SHIFT PTO & LOADSENSING PUMP, VALVES, AIR OPERATED CONTROLS, STAINLESS STEEL HYDRAULIC TANK, SITE GAUGE, RETURN FILTER, MUNCIE ELECTRIC SPREADER CONTROL, STAINLESS STEEL LINES LED LIGHT PACKAGE INCLUDES, HEATED LED FRONT PLOW LIGHTS MOUNTED TO HOOD, CAB MOUNTED STROBE, (2) SELF CONTAINED LEDS IN BODY REAR POST, HEATED LED STOP/TURN/TAIL & BACK UP LIGHTS IN ADDITION TO OEM LIGHTS, WING & SPREADER LIGHTS, BODY UP INDICATOR, (3) HEATED 4" WORK LIGHTS, BACK UP ALARM
INSTALLED - BODY PAINTED TO MATCH CHASSIS (L0328EB DK CONCORD BLUE MET ELITE BC), WOOLWAX UNDERCOATING QUOTE VALID FOR 30 DAYS **A CANCELLATION OF A SIGNED QUOTE WILL BE SUBJECT TO A 10% RESTOCKING FEE**
SIGNATURE _____
PRINT _____ DATE _____
CASEY LYON - 802-999-8034 - CaseyLyon@HPFairfield.com

ITEM NUMBER	BRANCH	DESCRIPTION	PICK SLIP#/ LOT/SERIAL	QUANTITY SHIPPED	LIST PRICE	DISC%	EXTENDED AMOUNT
7DHDPF	9958	SINGLE AXLE GEAR		1	82,994.00	0	82,994.00

<b>R E M A R K S</b>	<b>NET DUE</b>	<b>CASH DISC.</b>	<b>IF PAID BY</b>	<b>SUB-TOTAL</b>	82,994.00
	82,994.00	0.00	11/30/2022	<b>FREIGHT &amp; HANDLING</b>	0.00
				<b>SALES TAX</b>	0.00
				<b>TOTAL(USD)</b>	82,994.00
				<b>PREPAID AMOUNT</b>	

**IMPORTANT:** Alamo Group or affiliates (Alamo Group) shall not be liable to any person for any claim for injuries or damages which claim for injuries or damages arises out of or which results from the repair of this product by a person or firm other than Alamo Group. Repair parts are intended for use only on equipment manufactured or sold by Alamo Group. Our general conditions of purchase are available at this address: <https://www.alamo-group.com/terms>

Prepared for:  
Thomas Bernier  
NEWPORT CITY OF  
222 MAIN  
ST

NEWPORT, VT 05855  
Phone: 802-334-  
2124

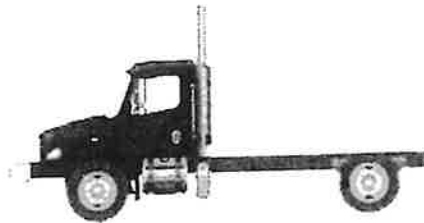
Prepared by:  
Sandy Ladd  
R.R. CHARLEBOIS, INC.  
950 ROUTE 7 SOUTH  
MILTON, VT 05468  
Phone: 802-655-5040

*A proposal for*  
**NEWPORT CITY OF**

*Prepared by*  
**R.R. CHARLEBOIS, INC.**  
*Sandy Ladd*

*Oct 05, 2022*

**Freightliner M2 106**



Components shown may not reflect all spec'd options and are not to scale

Application Version 11.7.603  
Data Version PRL-27M.014  
CITY OF NEWPORT M2 106+ 4X2  
2024



10/05/2022 5:05 PM

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Freightliner reserves the right to change specifications, prices, and weights, without notice.





## Explanation Of Landowner Rights and Protections

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**1. Landowner liability limited.** The liability of landowners for personal injury or property damage sustained by snowmobile operators and their passengers is limited by statute. Specifically, 23 V.S.A. §3206 (d) provides as follows:

**Landowner liability limited.** No public or private landowner or their agents shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on a snowmobile, or upon a vehicle or other device drawn by a snowmobile upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land, unless the public or private landowner charges a cash fee to the operator or owner of the snowmobile for the use of the property, or unless said damage or injury is intentionally inflicted by the landowner.

**2. VAST will defend Landowner.** In consideration for Landowner's granting VAST permission to locate and maintain one or more snowmobile trails and/or associated facilities upon Landowner's property and to permit snowmobiling thereupon, VAST agrees that if a claim is made or a legal action is brought against the Landowner for personal injury or property damage (or both) arising out of a snowmobiling accident occurring while using the VAST trail(s) located on Landowner's property, VAST will defend Landowner against the claim or legal action unless the claim arises in primary part from damages or injuries intentionally inflicted by Landowner. This obligation to defend and indemnify is null and void if the Landowner charges a fee to snowmobilers for the use of any portion of their property.

**3. Trails liability insurance.** VAST, the county snowmobile clubs, and all local snowmobile clubs affiliated with a county snowmobile club and VAST, are insured under a policy of insurance with a policy limit of at least One Million Dollars (\$1,000,000) covering, among other things, trail construction and maintenance and grooming operations. A copy of the policy is available upon request from VAST, whose address and telephone number are provided on the reverse side of this document.

**4. Permitting.** VAST will obtain all necessary permits for the construction and maintenance of the trail. VAST will indemnify and hold the Landowner harmless from any enforcement action that alleges that a required permit was not timely obtained. VAST will provide the Landowner with a copy of all permits obtained for work on their land.