

Council Minutes
September 18, 2023

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A duly warned meeting of the Newport City Council was held on Monday, September 18, 2023, in the council room in the Newport Municipal Building. Present were Mayor Linda Joy Sullivan, Council President John Wilson, Council Members Kevin Charboneau, Clark Curtis, and Chris Vachon by Phone, City manager Karen Geraghty, City Clerk James D. Johnson, Attorneys David Rugh and Beriah Smith, Recreation director Mike Brown, Police Chief Travis Bingham, Zoning Administrator Francis Cheney, Program Director Rebecca Therrien, members of the Press and Public.

Mayor Sullivan called the meeting to order at 6:30 pm.

Additions, Changes and Deletions to the Agenda

Mr. Vachon moved to replace the word budget with funds in number 9. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Wilson moved to delete number 5. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Wilson moved to consider amending a motion previously adopted regarding the position of City Manager. Seconded by Mr. Vachon, motion carried unanimously.

Mr. Curtis moved to combined number 11 a & b on the agenda. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Curtis moved to renumber 10-13 to 7,8,9, & 10 respectively. Seconded by Mr. Wilson, motion carried unanimously.

Approval of Minutes

Mr. Wilson moved to amend the motion passed on September 11, 2023, to appoint Karen Geraghty City Manager to know reads that Mr. Wilson moved to extend Karen Geraghty an offer of appointment to the office of City Manager. Seconded by Mr. Curtis, motion carried.

Wilson and Curtis in favor, Vachon and Charboneau against. Mayor Sullivan voted in favor.

Mr. Wilson moved to amend the minutes of September 11, 2023, with the changes. Seconded by Mr. Curtis, motion carried.

Wilson and Curtis in favor, Charboneau and Vachon against. Mayor Sullivan voted in favor.

Public Comment

Jennifer Bjurling commented on her notices of Open Meeting Law violations. (attached)

Charlie Pronto commented on what's happening between the council and the public.

Response to notices of Alleged Open Meeting Law Violations

Mr. Wilson moved to find that premature general public knowledge of the confidential attorney client information made for providing legal services to the city council will place the City at a substantial disadvantage because disclosure of the otherwise confidential legal advice and communication would harm the City by waiving the attorney client privilege under 1 V.S.A. sec 313(a)(1)(F). Seconded by Mr. Vachon, the motion carried unanimously.

Mr. Vachon moved to enter executive session to discuss confidential communications with the city attorney for the purpose of providing professional legal services for the purpose of providing professional legal services and invite the city attorney into executive session pursuant to 1 V.S.A. 313(a)(1)(F). Seconded by Mr. Wilson, motion carried unanimously.

In open session, Mr. Charboneau moved to deny the alleged Open Meeting Law violation as stated in Jennifer Björling's letter dated September 8, 2023. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Wilson moved to deny the alleged Open Meeting Law violation as stated in Jennifer Björling's letter dated September 9, 2023. Seconded by Mr. Charboneau, motion carried unanimously.

Response to open Meeting Law Violations

Mr. Charboneau moved to find that premature general public knowledge of the confidential attorney client information made for providing legal services to the city council will place the City at a substantial disadvantage because disclosure of the otherwise confidential legal advice and communication would harm the city by waiving the attorney client privilege under 1 V.S.A. sec 313(a)(1)(F). Seconded by Vachon, motion carried unanimously.

Mr. Vachon moved to enter executive session to discuss confidential communications with the City Attorney for the purpose of providing professional legal services and invite the City Attorney and Interim City Manager pursuant to 1 V.S.A. 313(a)(1)(F). Seconded by Mr. Curtis, motion carried unanimously.

Mr. Charboneau moved to deny the alleged Open Meeting Law violation as stated by Jennifer Björling's letter dated September 9, 2023. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Curtis moved to deny the alleged Open Meeting Law violation as stated in Jennifer Björling's letter dated September 11, 2023. Seconded by Mr. Vachon, motion carried unanimously.

Mr. Vachon moved that the city council acknowledge that it was a violation of the Open Meeting Laws not to provide the reasons for the council appointment of the interim Fire chief and otherwise the other alleged violation in the letter form Jennifer Bjurling dated September 12, 2023. Seconded by Mr. Charboneau, motion carried unanimously.

Mayor Sullivan noted that the cost of Open Meeting Law violations from 2022 is over \$1,500.

Ratify Public Works Contract

Mr. Curtis moved to ratify the Public Works Contract. Seconded by Mr. Vachon, motion carried unanimously.

Discussion of Interim Fire Chief Compensation

Mr. Vachon moved to find that premature general public knowledge of council discussions concerning the contract and compensation for the Interim fire chief would place the city council at a substantial disadvantage by disclosing the council negotiation strategy and priority 1V.S.A. 313(a)(1)(a). Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Curtis moved to enter executive session to consider the contract and compensation for Interim Fire chief pursuant to 1 V.S.A. 313(a)(1)(a) and to invite the Interim city Manager and City Clerk/Treasure into executive session. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Wilson moved to compensate Interim Fire Chief Kevin LaCoss at the rate of \$26.19 per hour for a maximum of 40 hours per week. The pay for response to emergencies is included in the 40 hours per week at the same rate. Seconded by Mr. Charboneau, motion carried unanimously. (attached)

Citizen Impact Statement on Vendor Permit

Ms. Ploof stated her objections to the smoke from Smoking Barrels BBQ in the parking lot at the Eagles Club. Mr. Kulakowski and Mr. LeClare responded to Ms. Ploof's objections.

MCM Request for City to Pay Denied Insurance Claim

Mr. Curtis moved to approve the request for the City to pay(credit) MCM's denied insurance claim. Seconded by Mr. Charboneau, motion carried unanimously.

Newport Parks and Recreation Rates (attached)

Mr. Charboneau moved to approve the 2024 Parks and Recreation rates. Seconded by Mr. Wilson, motion carried unanimously.

Request for Forensic Audit on Water/Sewer Funds

Mayor Sullivan read a statement regarding a Forensic Audit (attached)

Mr. Charboneau moved to have the mayor and the council members review water and sewer transactions to determine the nature and classification of the transactions in Lew of retaining a forensic auditing firm. Seconded by Mr. Vachon, motion carried unanimously.

Old Business

Ms. Geraghty noted the main handicap access is on the right side of the building as you face the building.

Ms. Geraghty noted that the funds for Public Works Equipment are coming out of the Capitol fund in the General fund.

Ms. Geraghty noted a committee will be formed to interview the next Fire chief.

Mr. Johnson noted tax bills will be out on the 1st of October.

New Business

Ms. Geraghty noted a notice from the Coventry Clerk that they will be replacing a culvert on the Lane Road this week.

Mayor Sullivan noted her office hours on Mondays and Wednesday from 9:00 to 11:00.

Mayor Sullivan noted she will be meeting with the receiver's liaison.

Mayor Sullivan will be meeting with Rep. Michael Marcotte and the Airport Committee.

Mayor Sullivan noted she had spoken with Ted Brady from VLCT about Training and Resources

Mayor Sullivan had been requested to proclaim November 1st Extra Mile Day. She asked the public to submit recommendations.

Next Meeting Date

October 2, 2023, at 6:30 PM.

Adjournment

Mr. Charboneau moved to adjourn at 9:06 PM. Seconded by Mr. Vachon, motion carried unanimously.

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Attested _____ this _____ Day of _____ 2023.

Mayor