

DRAFT

Council Minutes

October 2, 2023

A duly warned meeting of the Newport City Council was held in the council room in the Newport Municipal Building on Monday, October 2, 2023. Present were Mayor Linda Sullivan, Council President John Wilson, council members Kevin Charboneau, Chris Vachon and Clark Curtis, Interim City Manager Karen Geraghty, City clerk/treasurer James D. Johnson, Interim Fire Chief Kevin Lacoss, City Attorneys David Rugh, and Beriah Smith, Duncan Kilmartin, Recreation Director Mike Brown, Police Chief Travis Bingham, Public Works Director Thomas Bernier, Programs Director Rebecca Therrien, Asst. Clerk/Treasurer Stacey Therrien, NCDD Executive Director Rick Ufford-Chase, members of the Press and Public.

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

Additions/Deletions to the Agenda

Mr. Vachon moved to add to the agenda to ratify the actions taken by Ms. Geraghty during her employee as interim city manager around the USDA Community Facilities Grant in the amount of \$119,637 as well as the resolution that retro active to August 7, 2023, MS. Geraghty in the role of Interim City Manager is authorized officially by the City of Newport to sign all documents of the USDA Community Facilities Disaster Grant in the amount of \$119,637. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved to add to the agenda to entertain the discussion of the September 11, 2023, meeting minutes and to have them reflect what was stated and recorded on Mr. Johnson's record and recording. Seconded by Mr. Charboneau, motion carried unanimously.

Public Comment

Melissa Pettersson, Paul Monette, and Woodman Page spoke about their support for Ms. Geraghty as City Manager and the delay in the appointment process.

Ms. Geraghty presented the council with a proposed contract and asked that the council appoint her City Manager so they can work together to gain the trust of the community.

Mayor Sullivan noted that all applications for City Manager were received after the deadline. Mayor Sullivan commented on changing the agenda and that the mayor and the council would be looking into sewer and water fund transactions.

Address Reasons for the Interim Fire Chief's Appointment

Council members gave their reasons for appointing Kevin LaCoss Interim Fire Chief. Mr. Wilson moved to accept the reasons for hiring the Interim Fire Chief. Seconded by Mr. Vachon, motion carried unanimously.

Consider Executive Session Policy and Ratifying the Attendance of City employees at an Executive Session held on September 6, 2023. Possible Executive session Pursuant to 1 V.S.A. sec 313(a)(1)(F)

Attorney Rugh stated the Open Meeting Law does not require that the council name people invited into the executive session, but it is advisable to name invitees. Mr. Vachon moved to ratify the attendance of city employees at the executive session held on September 6, 2023. Seconded by Mr. Curtis. Discussion: Ms. Bjurling stated that in her opinion the fact that the council is ratifying attendance is an admission the council was in violation of the Open Meeting Law. Mr. Rugh pointed out for the record there was no action at the September 6th meeting. Vote: Vachon and Curtis in favor, Wilson and Charboneau against. Mayor Sullivan in favor, motion carried.

Mr. Vachon moved to accept the policy of publicly inviting and announcing individuals outside the council into executive sessions. Seconded by Mr. Curtis. Vachon, Curtis and Charboneau in favor, Wilson against, motion carried.

Respond to Notices of Open Meeting Law Violations Received on September 22, 2023, and September 24, 2023, Possible Executive Session pursuant to 1 V.S.A. 313(a)(1)(F)

Mr. Curtis moved to find that premature general public knowledge of 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 would harm the city by waiving the cities attorney client privilege pursuant to 1 V.S.A. 313(a)(1)(F). Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Curtis moved to enter executive session to discuss confidential communications with the city attorney for the purpose of providing legal services and invite the city attorneys David Rugh and Beriah Smith into executive session. Seconded by Mr. Charboneau, motion carried unanimously.

In open session, Mr. Curtis moved that the city council deny the alleged violation of the Open Meeting Law as noted in Ms. Bjurling's letter dated September 22, 2023. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved that the city council deny the alleged violation of the Open Meeting Law as noted in Ms. Bjurling's letter dated September 24, 2023. Seconded by Mr. Curtis, motion carried unanimously.

Mayor Sullivan reads a statement regarding the cost to the city in responding to frequent Alleged Open Meeting Law violations.

Evaluation of Interim City Manager, Anticipated Executive session Pursuant to 1 V.S.A. 313(a)(3)

No motion, no action.

Consider Approving a Construction Contract for the Causeway Streetscape Project

Mr. Wilson suggested an update of the project so the council would know what they are voting on.

Mr. Wilson moved to postpone approval of the contract. Seconded by Mr. Vachon, motion carried unanimously.

Consider Appointment of City Manager, Anticipated Executive session pursuant to 1 V.S.A. 313(a)(3)

Mr. Charboneau moved to find that premature general public knowledge of the discussion with the city attorney of the contract to be offered to Karen Geraghty would put the city at a disadvantage because it would reveal the negotiation strategy of the council and waive the confidentiality of the city's confidential privileged communications pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Vachon.

Discussion: Attorney Kilmartin representing Ms. Geraghty stated that Ms. Geraghty presented a contract that would appoint her at her current salary with the same benefits under section 40 of the City Charter. This would allow her to be City Manager. Later, new, or additional terms can be negotiated. Mr. Rugh noted that the city has not engaged in negotiation yet, that is why we are going into executive session. Motion carried unanimously.

Mr. Vachon moved to enter executive session for the purposes of considering the contract terms presented by Ms. Geraghty for the position of City Manager and to invite the city attorney into executive session. Pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Curtis, motion carried unanimously.

In open session, no action.

Mr. Vachon moved to find that the premature general public knowledge of the cities discussion with the city attorney of a contract to be offered to Karen Geraghty would clearly place the council at a substantial disadvantage as it would reveal the negotiation strategy of the council and waive the confidentiality of the cities confidentiality and privileged communication pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Charboneau, motion carried.

Mr. Vachon moved to enter executive session for discussion of the contract to be offered to Karen Geraghty or consider the appointment of Karen Geraghty as City Manager Pursuant to 1 V.S.A. 313(a)(3) and invite Karen Geraghty with her attorney and the city attorneys into executive session. Seconded by Mr. Charboneau, motion carried, unanimously.

In open session. Mr. Vachon moved to appoint Karen Geraghty, City Manager subject to her acceptance of the contract offer for the submission dated October 2, 2023, and for such offer to remain in standing until rejected, countered, accepted or to the call to order of the next regular city council meeting whichever occurs first. Seconded by Mr. Wilson, motion carried unanimously.

NCDD Presentation, Updates from Newport City Downtown Development

Rick Ufford-Chase updated the council on NCDD projects.

NCDD Request for Attestation for Vibrancy Funding

Mr. Wilson moved to approve the attestation. Seconded by Mr. Charboneau, motion carried unanimously.

NCDD Request Approval for Wayfinding Signage on City Owned Bike Paths

Mr. Vachon moved to approve wayfinding signage on city owned bike paths. Seconded by Mr. Charboneau, motion carried unanimously.

Ratify any action taken by Ms. Geraghty during her employment as Interim City Manager on the USDA Community Facility Disaster Grant in the amount of \$119,637 as well as the resolution retroactive to August 7, 2023. In the role of Interim City Manager to be authorized official of the City of Newport to sign all documents of the USDA Communities Facilities Disaster Grant in the amount of \$119,637

No action.

Entertain discussion of the September 11, 2023, council minutes and have them reflect what was recorded on Mr. Johnson's record and recorded.

No action.

New Business

Attorney Rugh noted the Tax Sale on Thursday, October 5, 2023

The Mayor toured Track should be more coming from them over the next months. Introduced the Governor at the house remodeling on East Main St. Attended the hiring fair businesses are getting application for jobs. The Mayor and President of the Council attended an airport meeting. Met Diane LaPlant from the Welcome Center.

Old Business

Mr. Johnson noted tax bills will be mailed this week.

Mr. Vachon and Mr. Curtis signed the Interim fire Chief's compensation letter. (approved at the previous meeting but missing their signatures.

DRAFT

Next Meeting Date

October 16, 2023, at 6:30 pm.

Adjournment

Mr. Vachon moved to adjourn at 10:10 pm. Seconded by Mr. Curtis, motion carried unanimously.

Attested _____ this _____ day of _____ 2023.

_____ Mayor