

Council Minutes

DRAFT

October 16, 2023

A duly warned meeting of the Newport City Council was held on Monday, October 16, 2023. Present were Mayor Linda Sullivan, Council President John Wilson, Council Members, Kevin Charboneau, Chris Vachon, Clark Curtis, Interim City Manager Karen Geraghty, City Clerk/Treasurer James Johnson, Program Director Rebecca Therrien, Asst. Clerk/Treasurer Stacey Therrien, Asst. Clerk/Treasurer Robyn Churchill, Police Chief Travis Bingham, Public Works Director Tom Bernier, Zoning Admin. Francis Cheney, Recreation Director Mike Brown, Rep. Woodman Page, Beriah Smith, Marilyn Mahusky, Paul Hamlin, members of the Press and Public.

Mayor Sullivan called the meeting to order at 6:37 PM.

Mayor Sullivan read a statement regarding the editorial in the Chronical on October 11, 2023, on the abuse of power of the Newport city council in conducting city business in executive session.

Additions, Deletions to the Agenda

Item number 5 was removed from the agenda.

Approval of Minutes

Mr. Vachon moved to approve the minutes of October 2, 2023. Seconded by Mr. Wilson, motion carried.

Comments by the Public

Laurie Grimm, Pam Ladds, Paul Monette, Charles Pronto, Beth Barnes, Jennifer Bjurling, Jay Walsh and Mayor Sullivan commented. These comments are recorded.

Presentation by Paul Hamlin VFWD (attached)

Mr. Vachon moved to approve the ROW over land owned by Jeff Blank to South Bay WMA. Seconded by Mr. Charboneau, motion carried.

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Consider DRB Appointments

Mr. Wilson moved to appoint Melissa Pettersson to the DRB. Seconded by Mr. Charboneau, motion carried.

Mr. Vachon moved to change the status of Mr. Chenette on the DRB to Full member. Seconded by Mr. Charboneau, motion carried.

Considered New Appointment to the Newport Recreation Committee

Mr. Wilson moved appoint Aaliyah Wilburn to the Recreation Committee. Seconded by Mr. Vachon, motion carried.

Address Notice of Open Meeting Law Violation Received on October 10, 2023

Mr. Vachon moved to find that premature general public knowledge of the confidential attorney-client communications made for providing legal services the City Council would place the City at a substantial disadvantage because disclosure of the otherwise confidential advice and communication could harm the City. Seconded by Mr. Charboneau, motion carried.

Mr. Curtis moved to enter executive session to discuss confidential attorney-client communications for the purpose of rendering professional legal services to the city council pursuant to 1 V.S.A. 313(a)(1)(F) and invite the City Attorneys into executive session. Seconded by Mr. Charboneau, motion carried.

In open session, Mr. Wilson moved that the city council deny the alleged open meeting violation stated in Jennifer Bjurling's letter dated October 10, 2023, as stated in said letter. Seconded by Mr. Curtis, motion carried.

Attorney Smith stated that the Open Meeting Law protects access to the meeting that the public has a right to attend.

Amend City Manager Job Description

Mr. Wilson moved to approve the job description of the City Manager as it was received in the October 16, 2023, meeting packet. Seconded by Mr. Curtis, motion carried. (attached)

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

City Manager Contract (Anticipated Executive Session Pursuant to 1 V.S.A. 313(a)(1)(A)(F) and /or (a)(3) to discuss contract, confidential Attorney Client Communications and the Possible Appointment or Employment or Evaluation of an Officer or employee.

Mr. Wilson moved to find that premature general public knowledge of the council discussion with the city attorney would clearly place the council at a substantial disadvantage as it would reveal the negotiation strategy and position of the council and waive the confidentiality of the council privileged communications 1 V. S.A. 313(a)(1)(F). Seconded by Mr. Curtis, motion carried.

Mr. Curtis moved to enter executive session for the purposes of considering the contract terms proposed to the council for the position of city manager and invite the city attorney into the executive session pursuant to 1 V.S.A. 313(a)(1)(A)(F). Seconded by Mr. Wilson, motion carried.

In open session, Mr. Curtis moved to reject the counter proposal offered by the Interim City Manager on October 16, 2023, and conclude negotiation with candidate. Seconded by Mr. Wilson, motion carried.

Charboneau, Wilson and Curtis in favor, Vachon against.

Consider Possible Appointment of City Manager

Mr. Vachon moved to table the appointment of City Manager. Seconded by Mr. Charboneau, motion carried.

Consider Creating Position of City Grant Writer

Mr. Curtis moved to table considering the position of City grant writer. Seconded by Mr. Vachon, motion carried.

New Business

Mr. Charboneau stated that the State Police were grateful for the assistance of the city police at the homicide in Newport Center.

Mr. Vachon noted the Spooky walk at Prouty Beach next weekend.

Old Business

Mayor Sullivan noted that the council was taking recommendations for the Extra Mile recognition. Mayor Sullivan and Council President Wilson met with the Executive Director at VLCT about training and noted that the mayor's office hours are continuing.

Next Meeting Date

November 6, 2023

DRAFT

Adjournment

Mr. Charboneau moved to adjourn at 10:06 Pm. Seconded by Mr. Curtis, motion carried.

Attested _____ this _____ day of November 2023

_____ Mayor

Fish and Wildlife Department
St. Johnsbury District Natural Resources Office
374 Emerson Falls Road, Suite 4
St. Johnsbury, VT 05819
www.vtfishandwildlife.com

[phone] 802-751-0100
[fax] 802-748-6687
[tdd] 802-828-3345

Agency of Natural Resources

MEMORANDUM

TO: Newport City Council
FROM: Paul Hamelin, VFWD Private Land Section Chief
DATE: Sept. 27, 2023
SUBJECT: Acquisition of right-of-way over land of Jeff Blank to South Bay WMA

Landowner: Jeff Blank
Location: West of 2753 Glen Rd, Newport City, Vermont
Acreage: 0.02 ac. (20 ft. X 50 ft. right-of-way)
Type of Acquisition: Right-of-Way Donation

Background and Significance:

The Little Barton River, also known as Miller's Creek, has been a popular site for waterfowl hunting, fishing, and wildlife viewing since at least the early 1960's. The creek provides small boats an efficient access to approximately 1100 acres of marshes, floodplain swamps, and the Barton River which comprise a substantial portion of the South Bay Wildlife Management Area (WMA). Watercraft access to the Little Barton River eliminates the need to navigate the entire 2-mile length of South Bay of Lake Memphremagog to reach the WMA. This access via the Little Barton River, in close proximity to the WMA wetlands and Barton River, spares waterfowl hunters from crossing the open water of South Bay during early A.M. darkness, potentially in high winds and the inclement weather associated with waterfowl hunting. The ability for canoeists and kayakers can finish a paddle trip down the Barton River by landing at the site of the proposed right-of-way spares wildlife watchers, anglers and other recreationists a long paddle into strong headwinds down the length of the open water bay. For these reasons, the site of this proposed right-of-way has been used by the public to access the wetlands and river for at least 6 decades.

For many years it was assumed by both the public and VT Fish & Wildlife Department (VFWD) that the WMA land along the Little Barton River extended to the public right of way edge of the Glen Road beyond a point south of Northern State Correctional Facility, and



therefore the access road leading to the Little Barton River from Glen Road was entirely within the WMA (Figure 1). However, in 2007 it was brought to the attention of the VFWD that Jeff Blank owned a strip of land approximately 50' wide between the Glen Road and the actual WMA boundary (Figure2). Because a portion of the access road lay on private land, VFWD removed a sign indicating access to the WMA, and discontinued publicizing the site as a VFWD access to South Bay WMA. Mr. Blank continued to allow public access to the WMA over his property, and the traditional uses continued uninterrupted to the present day.

In July of 2023, Mr. Blank graciously offered to donate a legal public right-of-way over the access road on his land to VFWD. The establishment of this right-of-way will permanently guarantee public access to the traditional boat launch site, ensuring that a future owner of the Blank property cannot prohibit public use of this popular site (Figure 3). The donated right-of-way will enable VFWD to install a VFWD access sign to facilitate public use, allow VFWD to promote the site on maps and websites as a public access, justify VFWD funding maintenance on the gravel access road, and enable VFWD to maintain the site (remove litter, roadside vegetation maintenance) as a VFWD boating access.

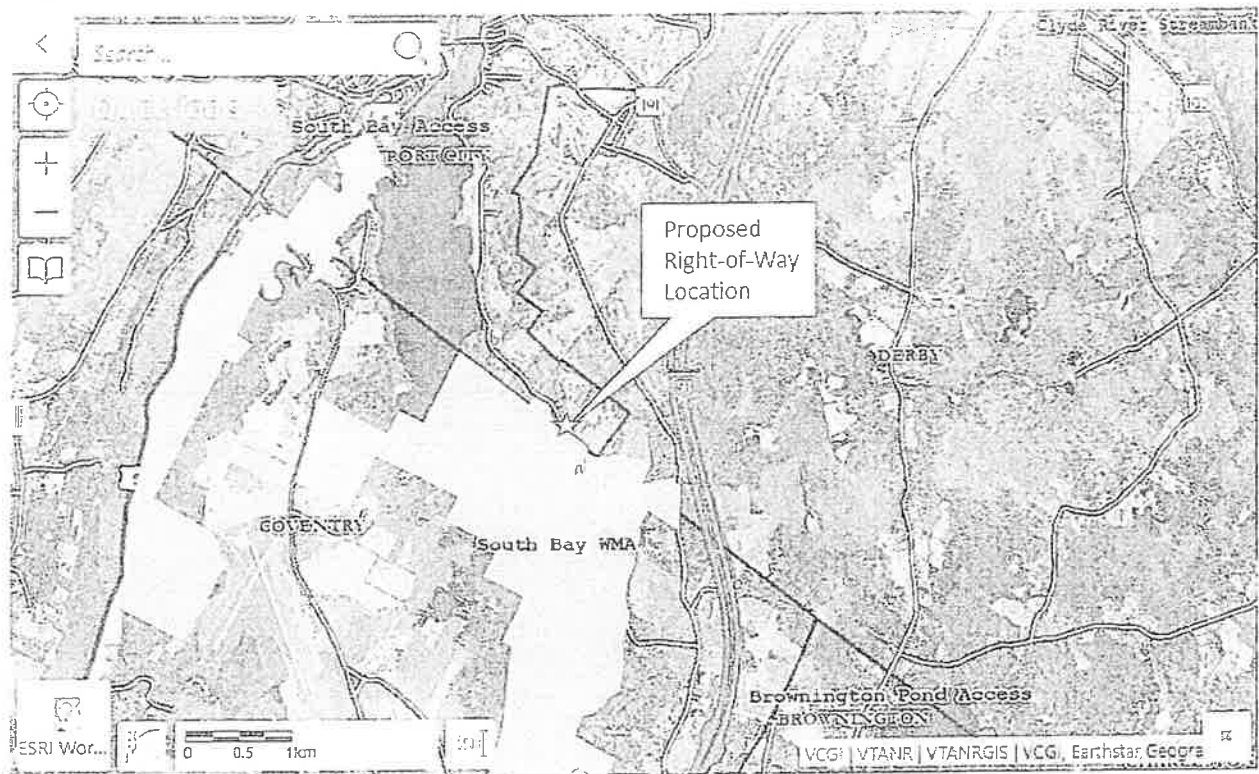


Figure 1. Proximity of the proposed Blank Access right-of-way donation to South Bay WMA.

VFWD would fund costs for a land survey to set pins designating the right-of-way, legal fees, deed recording and other associated expenses. A small gravel roadside pull-off on WMA property adjacent to the Glen Road, about 50 feet north of the right-of-way entrance, provides parking for 3 or 4 vehicles, and is wide enough to safely accommodate trailers for small watercraft. Recreationists who use the site for watercraft access park there now, and have parked there for many years. Due to the marsh conditions and shallow water at the site, VFWD has no intention of installing any type of ramp, dock, or additional infrastructure at the site; the intention of the right-of-way is to secure legal public access for vehicles to reach the water's edge, maintaining the current tradition of launching and landing paddle craft and small, manually handled boats.

Although this proposal is not for acquisition of property in fee, but only a legal interest in the land via conveyance of a right-of-way, VFWD respectfully requests approval of this transaction by the Newport City Council.

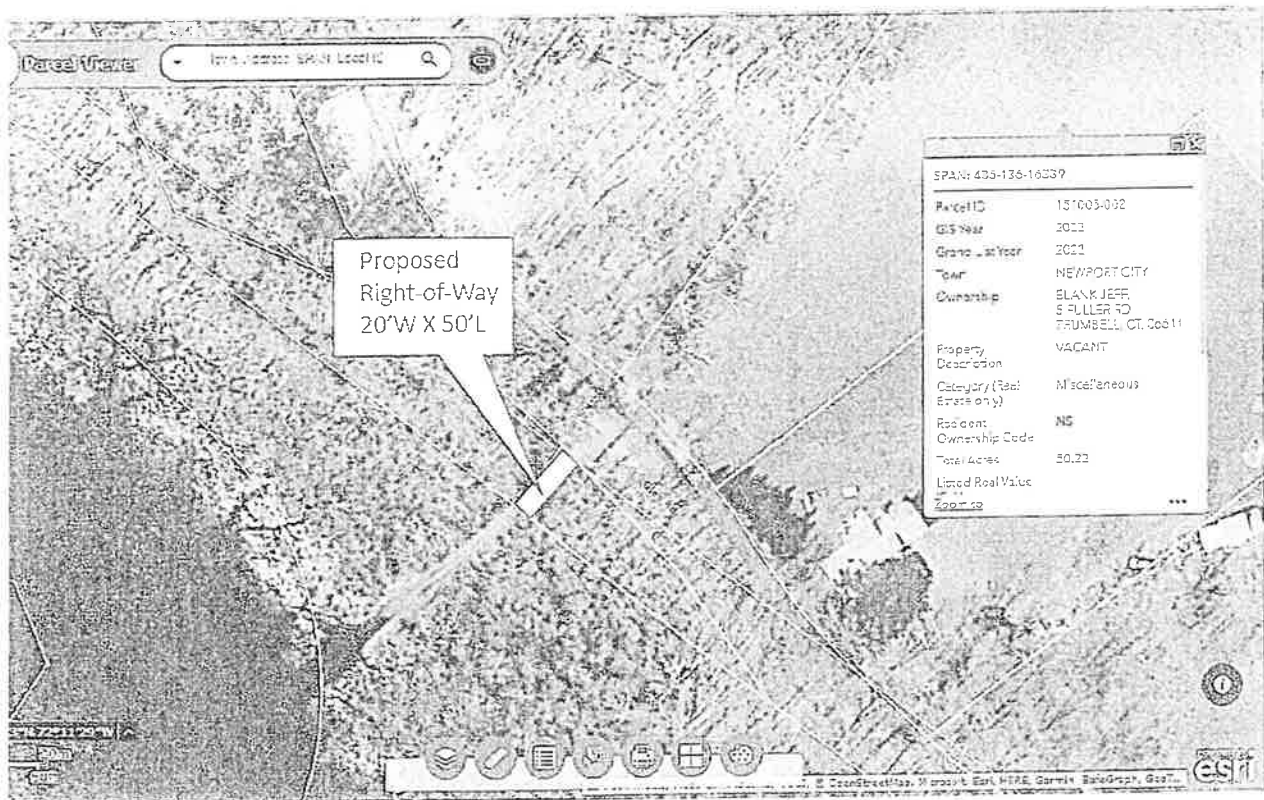


Figure 2. Proposed right-of-way location over Jeff Blank property.

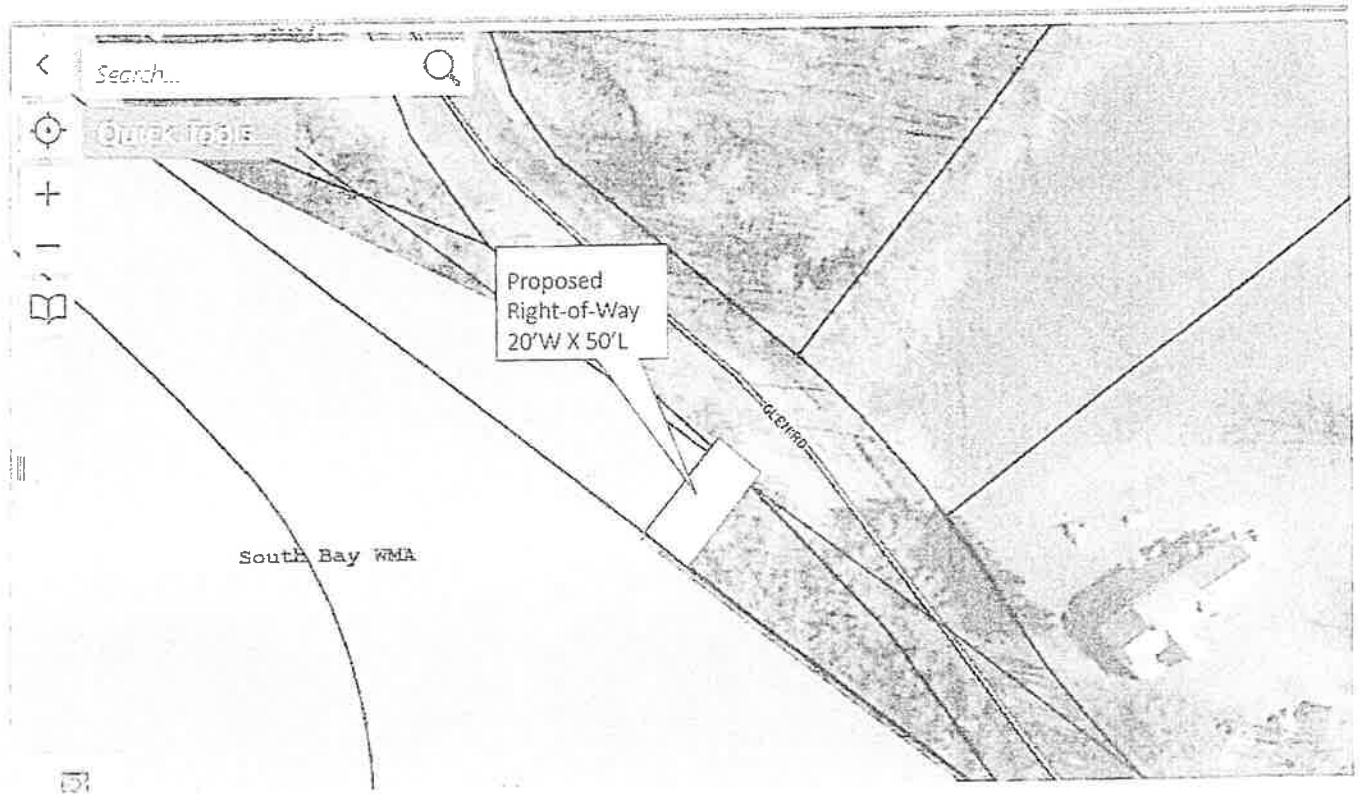


Figure 3. Proposed right-of-way road access to South Bay WMA.

CITY MANAGER

City of Newport City Manager Job Description

Scope of Work:

The City of Newport seeks an experienced, thoughtful, community leader with excellent communication skills to serve as City Manager.

The City Manager is the Chief Administrative Officer for the City responsible for overseeing and directing the day-to-day affairs of the City government under the direction and supervision of the City Council.¹ The City Manager serves as the administrative head of all City departments and is responsible for the efficient administration thereof. The City Manager serves at the pleasure of the City Council.

Specific Duties and Responsibilities:

- Develop proposed policies and procedures for the day-to-day operations of the municipal government for review and adoption by the City Council.
- Implement policies and procedures adopted by the City Council.
- Attend City Council Meetings as directed by the Council; make recommendations for adoption by the City Council.
- Assist in preparation of meeting agendas and provide support to City Council as needed.
- Prepare and submit a proposed annual budget for consideration by the City Council in consultation with Department Heads, City Treasurer, and others.
- Mindful of the scope of authority granted by the City Charter, App. 7-9, to the Mayor, oversee and manage the City's budget in a fiscally sound manner and keep the City Council apprised of the City's financial condition and its future needs.
- Communicate with the City Attorney and copy the Mayor (or the City Council President when the Mayor is absent or has a conflict of interest) on all written or email correspondence with the City Attorney.
- Develop in consultation with Department Heads a proposed comprehensive five-year capital improvement plan and strategic plan for annual review and approval by the City Council.
- Identify grant sources and present proposals to the Council for consideration; if approved by the Council, oversee preparation of grant application; oversee administration of grants received to ensure all funding and operational requirements of the grant sources are met and that all grants applied for comply and are consistent with the City's policies and procedures.
- Serve as the City Council's liaison with regional, state, and federal agencies; keep the City Council and other City Boards apprised of the activities of and interactions with these agencies as they relate to the operations and needs of the City.
- Unless directed otherwise by the City Council, collect delinquent taxes and sewer and water fees.

¹ In accordance with the City of Newport Charter, App. §7-7, the Mayor is a member of the City Council. All references to City Council herein also refer to the Mayor.

- As directed by and as approved and authorized by the City Council, execute deeds, deeds of trust, easements, releases, and other instruments binding the City to financial obligations.
- Implement negotiated agreements for the City Council.
- Appoint, excepting as otherwise provided for by the City Charter, all officers, and employees of the City; perform the duties of such officers and employees as designated by the City Council.
- Administer and enforce the ordinances and bylaws of the City of Newport whose enforcement is not specifically delegated to others.
- Research, analyze, and make recommendations for cost effective improvements in City operations.
- Prepare and submit to the Council such reports as may be required by the Council, or as the Council may deem advisable to submit.
- Assist with City functions and perform any other duties as determined or directed by the City Council.

Qualifications and Experience:

- Demonstrated experience managing personnel and leading management team; ability to build and maintain positive relationships with employees, colleagues, stakeholders, and community partners.
- Demonstrated understanding of finance and financial management; ability to manage the City's budget and resources effectively.
- Excellent communication skills, including ability to interact professionally with citizens, including irate citizens, employees, colleagues, stakeholders, other local, state, and federal officials, contractors, and community partners, and to articulate ideas and plans in a clear, concise, and compelling way; ability to listen and respond to feedback, ensuring that employees and stakeholders feel heard and valued.
- Demonstrated ability to develop clear and comprehensive strategic plan for City's growth and development.
- Demonstrated ability to identify, analyze, and solve problems quickly and effectively.
- Demonstrated understanding of municipal law, labor regulations, community engagement, and intergovernmental relations.

Other Job Characteristics:

- The City Manager is an exempt employee under the Fair Labor Standards Act (FLSA). They may be required to work more than forty (40) hours per week and must have the ability to effectively manage their time. The City Manager may be required to prepare for and attend evening meetings.
- The City Manager works primarily in an office setting.
- Travel may be required to and from meetings, trainings, and to other activities; City Manager must provide own transportation, unless use of a City-owned vehicle is approved by the City Council and available for use.

- The City Manager will receive a competitive salary and benefits in accordance with the City of Newport's Personnel Policy.

DISCLAIMERS

The above information is intended to describe the general nature of this position and should not be considered a comprehensive statement of duties, activities, responsibilities, and requirements. This job description is neither an employment contract nor a promise of work for any specific length of time. This job description is subject to amendment by the City Council from time to time. This job description supersedes all prior City Manager job descriptions.

The City of Newport is an equal opportunity employer.

Adopted by City Council and Approved by Mayor on 10/16/2023

Mayor:  Linda Joy Sullin