

## Council Minutes

**DRAFT**

November 20, 2023

A duly warned meeting of the Newport City Council was held on Monday, November 20, 2023, in the council room in the Newport Municipal Building. Present were Mayor Linda Sullivan, Council President John Wilson, Council Members Kevin Charboneau, and Chris Vachon, Comptroller/ Program Director Rebecca Therrien, City Clerk/Treasurer James D. Johnson, PW Director Tom Bernier, Police Chief Travis Bingham, Paul Monette and Roger Cartee from the Grandstand Committee, Wayne Elloit from Aldrich & Elliott, Rick Ufford-Chase from NCDD members of the Press and Public.

Mayor Sullivan called the meeting to order at 6:32 pm

### **Additions and Deletions to the Agenda**

Mr. Vachon moved to add discussing adding Roberts Rules to the council procedure. Seconded by Mr. Charboneau, motion carried.

After discussion Mr. Vachon moved to formally adopt Roberts Rules into the council rules and procedures. Seconded by Mr. Charboneau. After discussion Mr. Charboneau withdrew his second and Mr. Vachon withdrew the motion.

Mr. Vachon then moved to adopt Roberts' Rules as the primary guideline for the council rules and procedures. Seconded by Mr. Charboneau, motion died for lack of a quorum. Mr. Vachon and Mr. Charboneau in favor, Mr. Wilson, and Mayor Sullivan against.

### **Approval of Minutes**

Mr. Wilson moved to approve the minutes of November 6, 2023. Seconded by Mr. Vachon, motion carried.

### **Comments by the Public**

Ms. Bjurling, Mr. Pronto, Ms. Ladds, and Mr. Walsh commented on the Interim City Manager and open meeting Law violations and the cost. Mayor Sullivan read a statement regarding the issues. (attached)

Laurie Grimm thanked the council for a good meeting on November 6, 2023

### **Response to Open Meeting Law Violation from Jennifer Bjurling Dated November 3, 2023**

Mr. Wilson moved to deny the alleged Open Meeting Law violation from Jennifer Bjurling dated November 3, 2023. Seconded by Mr. Vachon, motion carried. Mayor Sullivan stated that there is unambiguous statutory authority for the council to add to or delete from the agenda 1 V.S.A. 312 (B)(3)(a).

**Water Tower Update and Authorization to go to Bid (attached)**

Wayne Elliott updated the council on the Water Tower Project. Mr. Vachon moved to go out to bid for the East Side Water Tower Project. Seconded by Mr. Wilson, motion carried.

**Grandstand Update (attached)**

Mr. Monette updated the council on the status of the Grandstand Project.

**Freeman Foundation Grant Acceptance (attached)**

Mr. Charboneau moved to accept the Freeman Foundation Grant for the Grandstand Project. Seconded by Mr. Vachon, motion carried.

**VOREC Proposal Presentation (attached)**

Rick Ufford-Chase gave a presentation on the proposed VOREC Grant proposal.

**Water/Wastewater Allocation Proposed Laundromat, 42 Eagles Nest Dr.**

Mr. Vachon moved to approve the wastewater allocation for 42 Eagles Nest Dr. Seconded by Mr. Charboneau, motion carried.

Mr. Vachon moved to approve the water allocation for 42 Eagles Nest Dr. Seconded by Mr. Wilson, motion carried.

**Audit Assignments (attached)**

Mr. Charboneau moved to approve the audit assignments. Seconded by Mr. Vachon, motion carried.

**Set Budget Schedule**

Mr. Vachon moved to set the budget schedule with the right to adjust, packaging the Admin, Fire and Police, Recreation and Public works, and then Sewer and Water with the right to adjust. Seconded by Mr. Charboneau, motion carried.

**New Business**

Mr. Charboneau asked if the Causeway Grant had gone to the attorney. Mayor Sullivan stated it had.

Mr. Charboneau asked about the contract with VLCT search for a City Manager.

Mr. Vachon stated he had already met with the Fire Dept.

Mr. Vachon stated his family enjoyed the Turkey Fest despite the weather.

Mayor Sullivan stated she also attended the Turkey Fest.

Mr. Charboneau moved to approve the liquor licenses application for the Family Dollar Store. Seconded by Mr. Wilson, motion carried.

**Old Business**

Mr. Wilson thanked the Rec. Dept for setting up the Municipal Building for Veterans Day.

**Next Meeting Date**

Mr. Charboneau moved to set December 4, 2023, as the next meeting date. Seconded by Mr. Vachon, motion carried.

**Adjournment**

Mr. Charboneau moved to adjourn at 8:42 pm. Seconded by Mr. Vachon, motion carried.

Attested \_\_\_\_\_ This \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Mayor



James Johnson <james.johnson.clerk@newportvermont.org>

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## Re: script. Here you go

1 message

Linda Joy Sullivan <mayor.sullivan@newportvermont.org>  
To: James Johnson <james.johnson.clerk@newportvermont.org>

Tue, Nov 21, 2023 at 8:53 AM

proceedings of public bodies, such as the Newport City Council, when decisions affecting residents are being deliberated and voted upon. The City and its Council are mindful of their obligations to conduct its business transparently and we rely on the limited exceptions to the Open Meeting Law only when appropriate and necessary to protect countervailing interests recognized by statute. Likewise, the Vermont Public Records Act gives our residents the right to ask for the production of records of the City, subject again to a number of limited exceptions outlined in the statutes.

Residents are allowed, if they are denied production of certain records, to appeal the denial and the stated basis for the denial. As for the Open Meeting Laws, citizens may pursue a complaint if they believe that an Open Meeting Law violation has occurred.

We embrace these statutes and the process involved in ensuring citizen access to the workings of our government.

Of course compliance with these laws – and the frequent need to secure the assistance of our attorneys – can come at a significant cost to taxpayers. Most times that cost is minimal. Occasionally, however, the costs can be run up when we have to go to court, or where there are repeated and excessive requests or complaints by individual taxpayers.

We have been dealing with one such situation involving an individual resident who has just in 2023 filed with the City 12 Open Meeting Law complaints and who has made it a regular practice to seek documents supporting even the most mundane of actions by the City Council 10 times in 2023 alone.

The legal fees associated with responding to this one Newport resident's Open Meeting Law complaints from July through October alone are estimated at \$7,500.00. The Public Records Act requests are also estimated to have cost the City approximately \$ 9,500.00, in that same period. These charges are only estimates since the final invoices for October have not been submitted. In addition, these charges do not include the time spent by City Staff and others to accommodate these requests.

Almost each of the Open Meeting Law complaints made by this resident have been deemed by the City and its attorneys to lack merit. And while records have been compiled and produced to this resident on numerous occasions in response to Public Records Act requests, the resident's activities appear to me at least to have been driven by this particular resident's sense of curiosity and personal interest in learning just about every detail of City management and business entrusted by the voters to our City officials.

Now don't get me wrong: every resident has the right to invoke these statutes. But the City has a right, too, under the law, to resist inappropriate use of these laws in the interest of protecting privacy interests involving employees, to ensure that contracts are fairly and favorably negotiated for the benefit of the City and that our privileged and confidential communications with our lawyers are not lost.

Repeated records demands and serial open meeting law complaints come at a certain cost to all of us. And so I encourage our residents to invoke these laws judiciously, mindful of the costs in manpower and legal fees. I'm not hearing that Newport has suffered Open Meeting Law violations over the years, nor have I heard that there is a practice of hiding public documents. I think, then, that it's just neighborly to think twice about putting the City to this cost and burden largely out of a sense of personal curiosity.

MY FELLOW COUNCIL MEMBERS HAVE BEEN ELECTED BY THE MAJORITY OF THE RESIDENTS OF NEWPORT CITY. THEY ARE HERE DILIGENTLY DOING THEIR JOBS. THEY ARE PUBLIC OFFICIALS AND AS SUCH, THEY HAVE TO LISTEN TO CRITICISM, WHETHER CONSTRUCTIVE OR JUST BELITTLING AND NEGATIVELY ADDRESSED. AS SUCH, THE CHOICE IS TO TAKE THE HIGHER ROAD AND IGNORE ACCUSATIONS AND OTHER ATTACKS ON THEIR INTEGRITY EVEN THOUGH MOST PROBABLY THE SOURCE IS NOT RELIABLE OR IS JUST MAKING STATEMENTS OUT OF CONTEXT OR PERHAPS BECAUSE SOMEONE ELSE WANTS OR IS PLANNING TO RUN FOR THE POSITION. VALUABLE CITY BUSINESS AND COUNCIL MEETNG TIME SHOULD NOT BE INTERFERED WITH FOR APPARENT PERSONAL AGENDAS.

ALL OF YOU AND MY FELLOW COUNCIL MEMBERS HAVE OTHER RESPONSIBILITIES APART FROMTHOSE HELD IN YOUR PROFESSIONAL AND/OR ELECTED CAPACITIES. AS I NOTED, IN ELECTED CAPACITIES, OFFICIALS MAY BE STIFLED IN THEIR RESPONSES AND PREFER TO DEAL WITH SUCH OUTBURSTS AND PUBLISHED PROPAGANDA IN A BETTER MORE APPROPRIATE FASHION FOR THE BETTERMENT OF THE CITY. SUCH LACK OF RESPONSE DOES NOT MEAN THESE ACCUSATORY STATEMENTS ARE IN ANY WAY ACCURATE. IN THIS REGARD, IF PUBLIC INNUENDOS OR OTHERCLAIMED LEGAL POSITIONS ARE PROFFERED BY THOSE WHO ARE ATTORNEYS, SKEPTICISM SHOUD BE APPLIED BY THE AUDIENCE, AS THOSE ATTORNEYS MAKING SUCH PUBLIC COMMENTS MAY NOT EVEN BE KNOWLEDGABLE OR HAVE LEGAL EXPERIENCE OR EXPERTISE IN THE FIELD OF LAW THEY ARE POSTURING OR GRANDSTANDING ON. THE CITY OF NEWPORT HAS RETAINED ATTORNEYS WHO HAVE MUNICIPALITY EXPERIENCE, KNOWLEDGE AND ARE LONG-STANDING PROFESSIONALS IN THE AREA OF MUNICIPALITY LEGAL MATTERS.

IT SHOULD ALSO BE NOTED THAT THE VERMONT AND AMERICAN BAR ASSOCIATIONS USUALLY ALLOW ATTORNEYS TO SAY WHAT THEY WANT IN PLEADINGS, BUT WHEN ATTORNEYS, PUBLISH OR MAKE FALSE STATEMENTS TO THE TRIBUNAL OR THE PRESS, THERE IS A DIFFERENT CODE OF CONDUCT THAT GOVERNS THAT IS SPECIFIC TO TRUTHFULNESS. AS NEWPORT CITY MAYOR, I AM PROUD TO BE A MEMBER OF THIS COUNCIL WORKING ALONG WITH MY FELLOW ELECTED OFFICIALS; AND I RESPECT THE RESIDENTS. I THANK THEM FOR THE HARD WORK THAT THEY ARE DOING, ALONG WITH THE CITY EMPLOYEES, FOR THE CITY OF NEWPORT.

Linda Joy Sullivan, CPA, MBA, LL.M  
Mayor, Newport City, Vermont  
Cell: 802-558-1457

Pursuant to Internal Revenue Service Circular 230, we are required to advise you that if there is any tax advice contained herein, it is not intended to be used, and cannot be used, by the addressee or any taxpayer, for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code.

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On Nov 21, 2023, at 8:06 AM, James Johnson <james.johnson.clerk@newportvermont.org> wrote:

Good Morning Linda,

Could you send me a copy of the statement you read last night during Public comment.

Thanks,

Jim

174 Fernwood Circle  
Newport, VT 05855  
November 3, 2023

City of Newport  
Newport City Council  
222 Main Street  
Newport, VT 05855

Dear City Council Members:

Pursuant to 1 VSA §314(b)(1), the purpose of this letter is to put the Newport City Council on notice that the City of Newport, Vermont, by and through its City Council, violated 1 VSA §312, 1 VSA §312(c)(2) and 1 VSA §312(h).

A Guide to Open Meetings published by the Vermont Secretary of State defines the purpose of 1 VSA §312 as “to promote transparency, accountability, and better decision-making in government.” [A Guide to Open Meetings](https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf), <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf> Vermont Secretary of State, January 2019, page 3, ¶ 1. Pursuant to 1 VSA §312(d)(1), the City must post the agenda of a city council meeting at least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting. See 1 VSA §312 (d)(1) and (d)(1)(A) and (B). “The open meeting law does not define “agenda” [...]. In keeping with the law’s intent, an agenda should allow interested members of the public to be *reasonably informed* about what *specific topics* will be discussed, and what actions may be taken, at the meeting.” Id. [A Guide to Open Meetings](#), at page 6, ¶5 (emphasis supplied). More importantly, 1 VSA §312(c)(2) states “The time, place and *purpose* of a special meeting subject to this section *shall* be publicly announced at least 24 hours before the meeting. See 1 VSA §312(c)(2) (emphasis added). Further, 1VSA §312(h) grants the public a reasonable opportunity to express its opinion on matters considered by the public body during the meeting. See 1 VSA §312(h).

It has become clear that the Mayor, in conjunction with certain Council Members, has weaponized the use of “additions and deletions” to willfully and deliberately place controversial issues on the agenda without notice to the public. Moreover, the tactic effectively precludes the public from exercising its statutory right under 1 VSA §312(h) to express its opinion on matters considered by the Council during the meeting. Absent warning, citizens who may have attended the meeting to offer their opinions do not do so for they have no knowledge of the issue is to be discussed. While the use of this tactic in a regularly scheduled council meeting is alarming, the employment of the tactic in a special council meeting is blatantly egregious and prohibited by law. Nonetheless, the Mayor, assisted by certain Council Members, has thrice committed, or attempted to commit the latter offense.

At the September 6, 2023 Special Council Meeting, “...*Mayor Sullivan* requested a motion to consider extending the deadline for applications for the position of City Manager. *Mr. Wilson* seconded what he thought was a motion.” See Special Council Meeting Minutes, September 6, 2023 (emphasis added). Additionally, “...*Mayor Sullivan* requested a motion, to see whether it’s necessary for the City Council to commission a Forensic Audit of the city Water and Sewer Fund. *Mr. Wilson* moved to consider whether it’s necessary for the City to commission a Forensic Audit of the city’s Water/Sewer fund. Seconded by *Mr. Curtis*. See Special Council Meeting Minutes, September 6, 2023 (emphasis added). Thankfully, a

council member with an appropriate ethics compass moved to table both items until the next regularly scheduled council meeting.

However, the outcome at the October 23, 2023 Special Council Meeting was not able to be reversed by the ethical faction of the Council. On Friday, October 20, 2023 at roughly 4:30 PM, a warning and agenda was posted for a Special Council Meeting to be held on Monday, October 23, 2023 at 6:30 PM. The agenda read:

**SPECIAL Meeting of the City Council  
Monday, October 23, 2023, beginning at 6:30 p.m.  
Newport Municipal Building  
City Council Room  
222 Main St.**

**Google Meet joining info**  
Video call link: <https://meet.google.com/wac-qbsv-vbn>  
Or dial: (US) +1 530-421-8792 PIN: 992 572 715#

City Council: Linda Joy Sullivan Mayor  
Council President John Wilson  
Kevin Charboneau  
Chris Vachon  
Clark Curtis

Karen Geraghty, Interim City Manager  
James D. Johnson, City Clerk/Treasurer

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1. Call to Order
  2. Additions, Changes, Deletions to the Agenda
  3. Public Comment
  4. Authorization to Advertise for the Position of City Manager; Anticipated Vote
  5. Causeway Streetscape and Traffic Signal Removal and Replacement Project – Consider Approval of Construction Contract; Anticipated Vote
  6. Bylaw Modernization Amended Contract for Consulting Services; Anticipated Vote
  7. VT Electric Cooperative Town Road ROW Occupancy Request; Anticipated Vote
  8. New Business
  9. Old Business
  10. Adjourn

Pursuant to 1 VSA §312(c)(2), the City *shall* publicly announce the *purpose* of the special meeting. See 1 VSA §312(c)(2). Yet, nowhere on the Agenda is the termination of the Interim City Manager noticed. Further, based upon information and belief, certain Councilmen did not have knowledge that the Interim City Manager's termination was going to be added to the agenda---it came as a complete surprise. With no knowledge that the termination of the Interim City Manager was to be discussed and voted upon by the Council, the public was precluded from exercising its right under 1 VSA §312(h) to express its opinion of her termination.

Based upon information and belief, during the "Mayor's Hours" on the morning of October 23, 2023, the Mayor secured the compliance of Councilman Wilson and coached him on the motion to be made under

"Additions and Deletions." Later that evening at the Special Council Meeting, during "Additions and Deletions," "Mr. Wilson moved to add consider employment status of the Interim City Manager. Seconded by Mr. Curtis, motion carried. Wilson, Curtis in favor, Charboneau, Vachon against, Mayor Sullivan in favor." See [Special] Council Minutes, October 23, 2023(emphasis supplied). The addition was curiously placed as the very last item on the agenda, even after New and Old Business, assumably to allow those partaking in the unethical, illegal act to make a speedy exit after the completion of the act. Towards the end of the meeting, "Mr. Curtis moved to enter executive session pursuant to 1 VSA 313(a)(4) to consider the dismissal of the Interim City Manager and invite the City Attorney into executive session. Seconded by Mr. Wilson, motion carried. Wilson and Curtis in favor, Charboneau and Vachon against, Mayor Sullivan in favor. In open session, Mr. Curtis moved to dismiss the Interim City Manager and terminate her contract with the City in accordance with the applicable terms of her contract effective October 27, 2023, at 5:00 PM. Seconded by Mr. Wilson, motion carried. See [Special] Council Minutes, October 23, 2023(emphasis supplied). The roll call contained in the recording of the meeting indicates that Wilson, Curtis were in favor, Charboneau, Vachon were against, Mayor Sullivan was in favor. See [https://www.youtube.com/watch?v=M1GYOL\\_mWGI](https://www.youtube.com/watch?v=M1GYOL_mWGI) at minute marker 1:29:20. The Council's action left the City of Newport with no City Manager and the Council offered no concrete plan to fill the post in the foreseeable future.

Clearly, there was no "emergency" reason to terminate the Interim City Manager with no warning to the public or certain Councilmen. Had such a reason been present, all Council Members would have been alerted to the emergency circumstances and the Council would not have allowed the Interim City Manager to remain in the post for nearly a week after the vote to terminate her. Further, based upon a recent public documents request, it appears that on October 16, 2023, Mayor Sullivan began the process of scheduling City Attorney, David Rugh, to attend the Special Meeting. One must note that the only agenda item of the October 23, 2023 Special Meeting in which Attorney Rhue participated was the termination of the Interim City Manager. See [https://www.youtube.com/watch?v=M1GYOL\\_mWGI](https://www.youtube.com/watch?v=M1GYOL_mWGI) Clearly, Mayor Sullivan had knowledge of her intent to add the termination of the Interim City Manager to the agenda well before the publication of said agenda on Friday, October 20, 2023 at 4:30 PM.

The intent of Mayor Sullivan, Mr. Wilson and Mr. Curtis is clear. They added the termination of the Interim City Manager to the Special Council Agenda under "Addition and Deletions" to willfully and deliberately circumvent notice to the public in direct violation of 1 VSA §312(c)(2), a general violation of the intent of 1 VSA §312, and a resultant violation of 1 VSA §312(h).

Pursuant to 1 VSA §314(b)(1), I hereby request that the City of Newport, by and through the City Council, cure its violations of 1 VSA §312 and 1 VSA§312(c)(2) as follows:

1. Publicly declare that the addition of the termination of the Interim City Manager to the Agenda of the October 23, 2023 Special Council Meeting through the use of Additions and Deletions was a willful, deliberate violation of 1 VSA §312(c)(2), the general intent of 1 VSA §312 and 1 VSA §312(h), aimed solely to deprive the public of its statutory right to notice of the termination of the Interim City Manager and its statutory right to express its opinion about her termination.
2. Pass a resolution wherein the Council adopts a policy of no additions to special council meetings short of extraordinary circumstances which shall be included in the motion to make the agenda addition.
3. Pass a resolution in which the Council adopts a policy wherein only necessary additions are made to regular council meeting agendas and the factors necessitating the addition are included in the motion.



Sincerely,

/Jennifer L. Bjurling/

Jennifer L. Bjurling

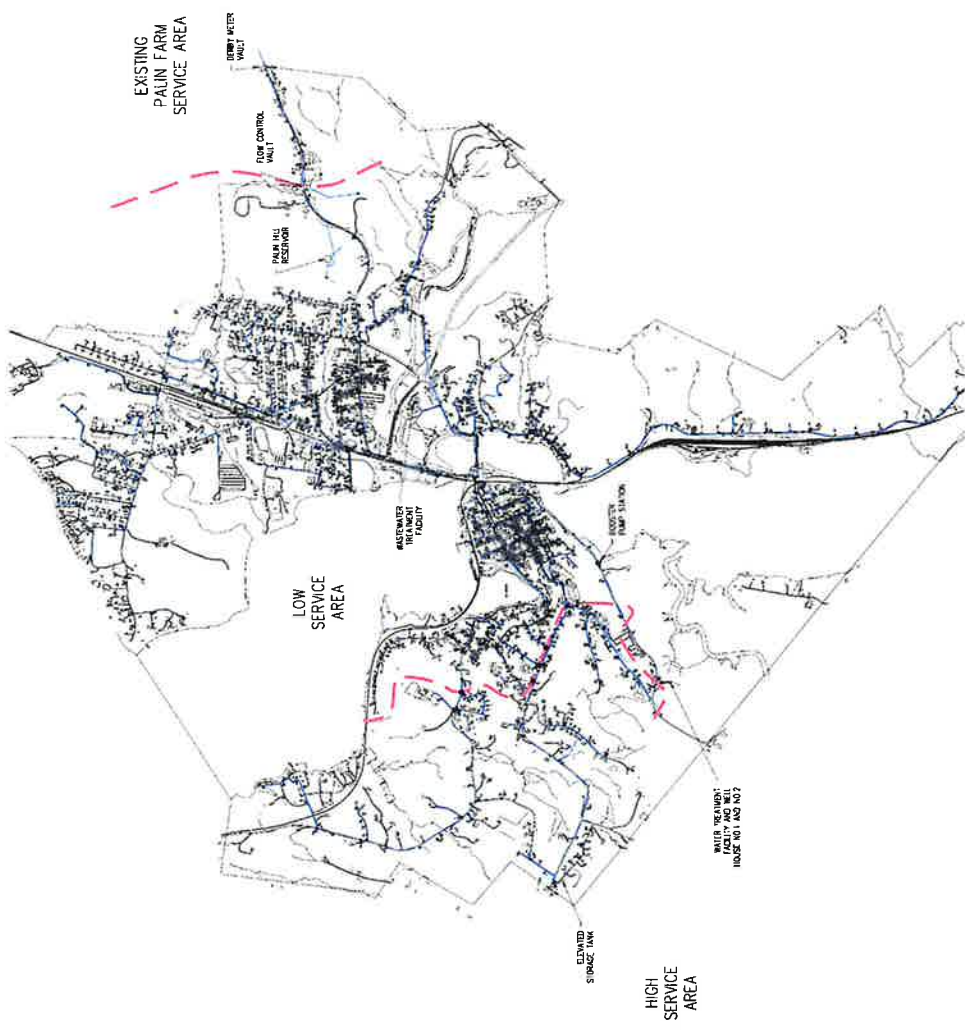
# City of Newport Eastside Water System Improvements

City Council Update  
November 20, 2023

# Project Overview



- Palin Hill Reservoir Refurbishment (completed)
- East Side Water Storage Tank
- Water Meter Installation



# History – Derby Road Service Area

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- 1999: Derby Road water main constructed. Water supplied from the Village of Derby Center due to water pressure requirements.
  - Connection governed by an Interlocal Agreement.
- 2006: Village of Derby Center modifies water rates to include the reserve water allocation fee.
- 2007: City installs new wells and water treatment plant.
- 2007 to 2014: Litigation between City of Newport and Village of Derby Center over fees charged.
- 2017: First bond vote held. Separation Agreement negotiated with the Village of Derby Center and City paid \$50,000 to settle.

# History - Palin Hill Reservoir

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- 1960's: Palin Hill Reservoir constructed. Originally an open-top reservoir, but a floating cover was added later.
- 1999: Floating cover replaced.
- 2014: Inspection by State DWGPD indicated that the floating cover is aging and will need replacement soon.
- 2019: Inspection by the State DWGPD indicated that the floating cover has reached the end of its useful life and required the City to start the replacement process.

# Palin Hill Reservoir Cover and Liner



# Project Needs – Eastside (Derby Road) Service Area



The current agreement with the Village of Derby Center does not allocate the City enough water to support long-term development in this area nor it is clear if Derby has additional water allocation to offer.

Historical usage: 4,000 to 8,000 gallons per day

Maximum allocation from Village: 10,000 gallons per day



Disconnecting from the Village of Derby Center will reduce long-term financial risks associated with the Village's water rates.

Payments to Village: \$17,800 per year

Surcharges (reserve water allocation fees) for excess water usage



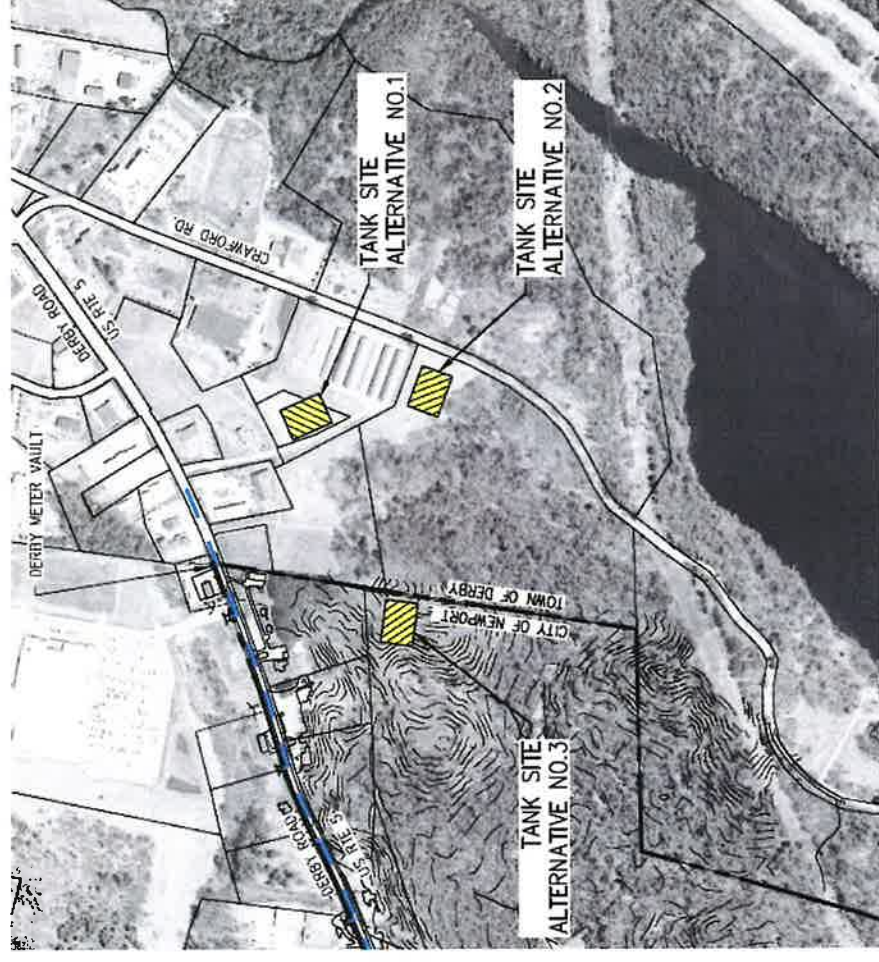
Unreliable fire protection supplied by the Village of Derby Center



Construction of a new tank will allow the City to disconnect this portion of the water system from the Village of Derby Center and supply both domestic and fire flow demands.

# Eastside (Derby Road) Service Area Storage Tank Alternatives

- Booster Pumping
- Tank Type
- Tank Material
  - Maintenance Requirements
- Tank Sites
  - Cost Evaluation
  - Non-Monetary Criteria
  - Located within City
- Long-Term Operation & Growth

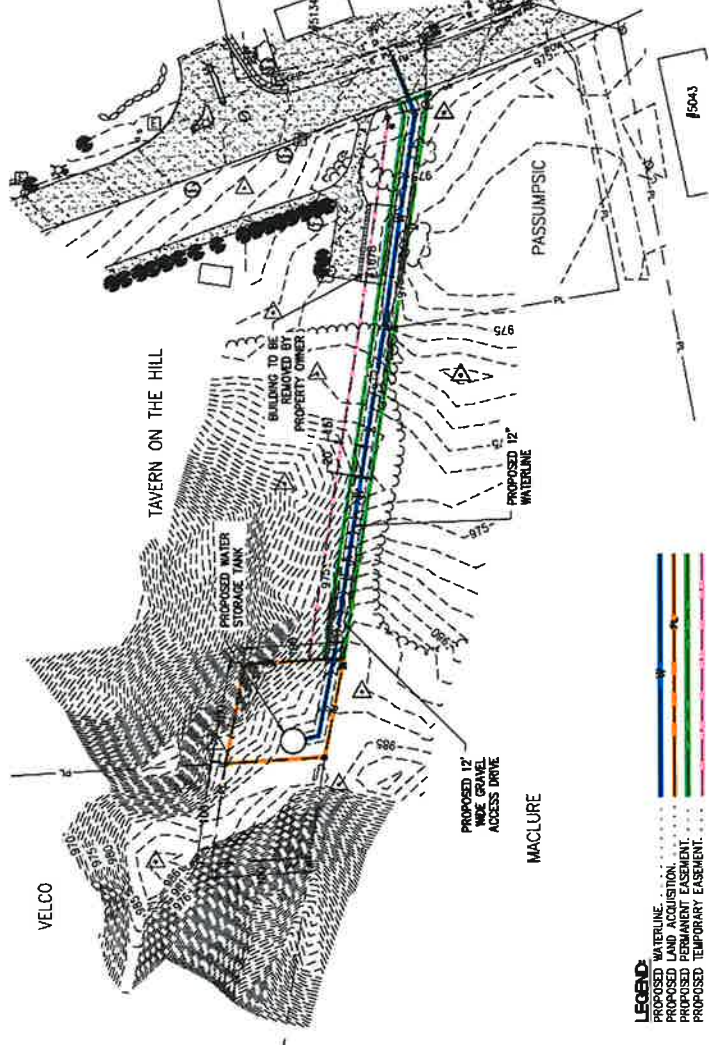


Alternative Sites



# Eastside (Derby Road) Proposed Project

- 210,000-gallon glass-fused steel elevated tank.
- Booster pump station.



Elevated glass fused steel tank.  
Paxton, MA 209,000 gallons.

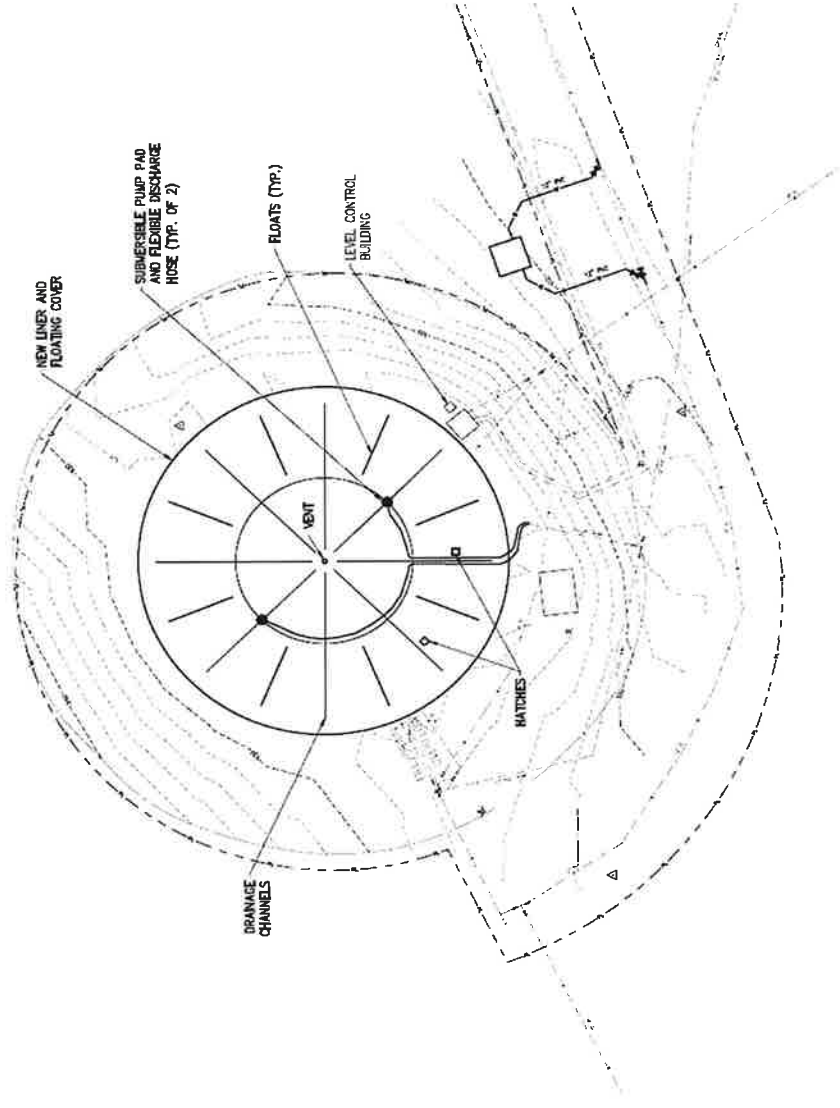
# Water Metering Benefits



- The City can implement an improved rate structure that is more equitable than the current flat-fee rates.
- All water customers will have water meters for consistent billing rates.
- Encourages water conservation, which preserves system capacity and reduces operating costs.
- Gives customers more control over their own water bills.
- Helps the City to take advantage of better federal funding opportunities for water and sewer infrastructure.

# Proposed Project Summary

- Contract No. 1: New liner and floating cover for Palin Hill Reservoir (completed).
- Contract No. 2: New elevated storage tank and booster pump station for Eastside (Derby Road) service area.
- Installation of 765 water meters to fully meter the system.



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# Bond Vote



Passed on  
March 3, 2021



Estimated  
Construction Cost:  
\$3,862,000



Bond Vote  
Amount:  
\$4,985,000

## Available Funding Sources

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State Drinking Water Revolving Loan: Non eligible

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USDA/Rural Development Grant/Loan: Non eligible

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Local American Rescue Plan Act (ARPA) Funds: \$1,272,828

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Agency of Commerce Community Recovery and Revitalization Program (CRRP): \$997,000

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Vermont Municipal Bond Bank or Local Bank: Amount to be determined

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# Palin Hill Reservoir C #1 Update



- Drinking Water Construction Permit issued August 2022
- Bid Price: \$364,395
- Estimated Total Project Cost: \$400,000
- Funding Source: Local ARPA funds
- Construction completed: July 2023









# Elevated Storage Tank - Champlain NY

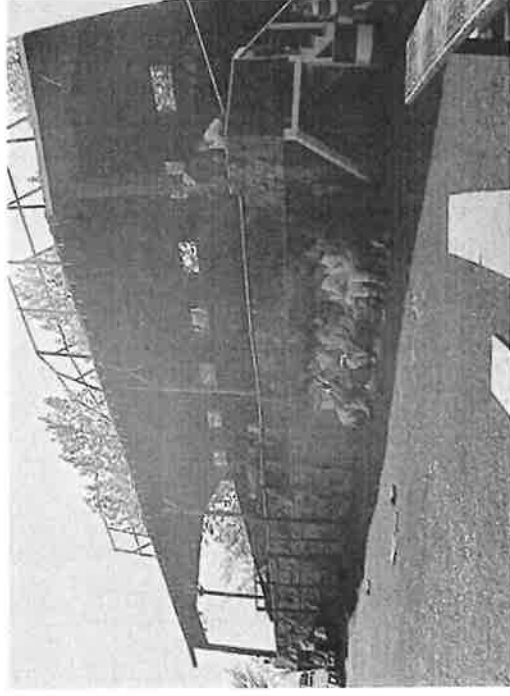
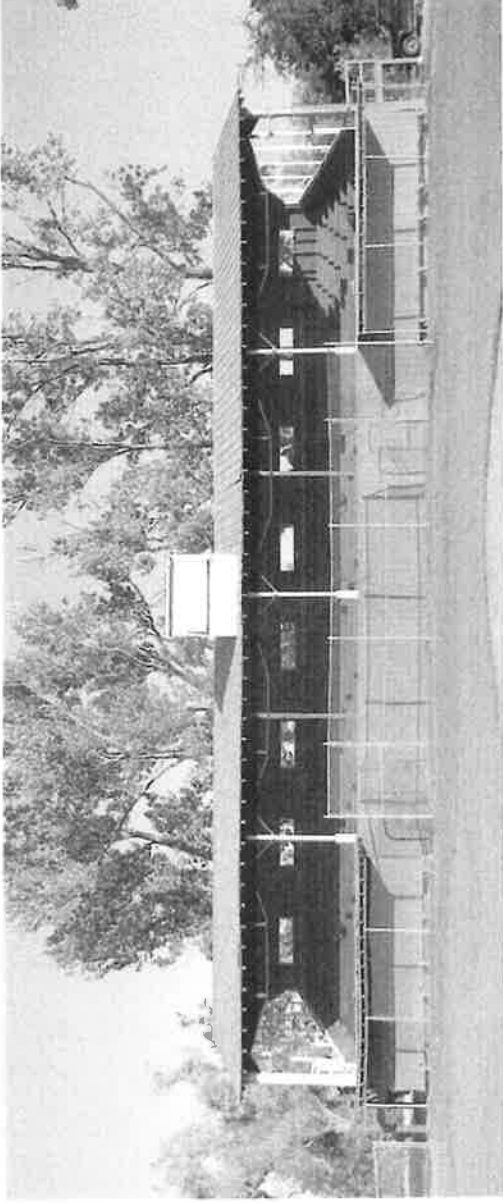


# Eastside Storage Tank - Project Schedule

Date	Task
2023	January - November Permitting
	December Advertise for Bids
2024	January Open Bids
	March Award Contract
	April Start Construction
2025	June Complete Construction

# QUESTIONS?





# Gardner Park Grandstand Preservation Association, Inc.

City Council Presentation – November 20, 2023

## **Who are we?**

The Gardner Park Grandstand Preservation Association is a group of long-time citizens attempting to re-invigorate recreational and economic activity at Gardner Park by re-habilitating the city's historic 1939 grandstand.

Our association has been incorporated, received our nonprofit status from the State of and 501 (c) 3 status from the IRS. .

Our committee is made up of the following dedicated individuals:

Roger Cartee, President  
Paul Monette, Treasurer  
Steve Edgerley  
Scott Boskind

James Johnson, Vice President  
Joel Collins, Secretary  
Doug Swenson



## History

September 1929 – Express & Standard Article “Another Opportunity for Newport City”, “Citizens Urged to Give Careful Consideration To Possibilities For Recreational Park and Its Advantages”

- Discussion about filling in the mosquito ridden swamp to create a park and playground.

August 1933 – Original Gardner Park plans included:

- Baseball Field
- Tennis Courts
- Football Field surrounded by a Track
- Playground

September 1934 – Express & Standard Article “\$12,892.80 VERA Project in Newport” (Vermont Emergency Relief Administration)

- VERA part of New Deal and the grant was for \$9,456.00 with a \$3,436.80 match. Allowed for 40 unemployed men to get part time work.
- Project which involved two shifts of 20 men working on filling in the park.



## History cont.

October 1935 – Express & Standard Article “Street and Park Projects Favored by Mild Weather”

- Gardner Park Rapidly Taking Shape as a Place for a Recreational Park.
- 50 men and 6 trucks hauling fill for the park.
- Depression is solving the problem as 50 men are now supporting their families through this W.P.A (Work Progress Administration) payroll.

February 1939 – Newport Daily Express Article “Grandstand and Field House To Be Built Immediately”

- Building will accommodate 700 and provide space for showers and dressing rooms under the seats.
- Mayor Winston Prouty announced labor and materials would be provided by W.P.A. The wooden structure would be 96’ x 25’ and would sit on cement piers.

1940’s – Homefield for Newport Frontiers baseball team.



## History cont.

Until 1968 – Homefield for Newport High School baseball and football teams.

Until mid 70s – Homefield for Sacred Heart baseball and soccer teams.

2002 & 2004 – Hosted the New England Regional Babe Ruth Tournament which comprised of the best teams in New England.





## **Current Status**

### **2021 Elevation Study**

- Elevation study required by State & FEMA.
- Completed by Horizon Engineering.

### **2022 Structural Engineering Study**

- Original 2014 report was not a true structural engineering analysis.
- Grandstand Committee contracted with Stevens & Associates to perform an in-depth structural analysis of the existing grandstand.
- This firm had worked with a group in Brattleboro who are undertaking the same type of project.
- The final report determine the structure is sound and can be/should be restored. One of the only wooden grandstands left in Vermont.
- Stevens & Associates provided details on various required permits and regulations along with an estimated budget.

2023 Initial Paperwork submitted to HUD, the agency overseeing the earmark funds. This includes the previously completed archeological study, section 106 report and EPA environmental study.

2023 – Vermont Advisory Council on Historic Preservation votes to add the grandstand to the State Register for Historic Places



## **Fundraising Status**

- Numerous Private donations received. Rotary's initial donation was key to the start of raising funds for the structural analysis.
- Donations in memory of Bernard and Geneva Burke – longtime Newport residents.
- 2021 Successful Side by Side (ATV) raffle fundraiser.
- 2022 Successful Zero-Turn Mower, Pellet Grill, etc. raffle fundraiser.
- Fall 2022 submitted application for a Congressional Earmark to then Congressman Peter Welch on behalf of the City.
- Spring 2023 the City was notified of a \$500,000 HUD earmark towards restoring the grandstand and ballfield. Much of the HUD requirements already completed.
- June 2023 – Submitted information to Ben Doyle, Preservation Trust of Vermont for the Freeman Foundation Grant
- November 2023 – City awarded \$100,000 Freeman Foundation grant which was the maximum allowable amount



## **Future goals**

- Continue fundraising to ensure there is enough funding for the restoration of both the grandstand and the ballfield along with future enhancements
- Work with the city to plan future uses for baseball field & grandstand
- Continued promotion for regional and state softball tournaments
- Concerts
- Night at the movies
- Old timer's baseball
- Family day activities
- Annual July 4<sup>th</sup> events



PRESERVATION TRUST  
OF VERMONT

90 Main Street, Suite 304  
Montpelier, VT 05602  
802.658.6647 | www.ptvermont.org  
ESTABLISHED 1980

October 11, 2023

City of Newport  
212 Main Street  
Newport, VT 05855

Dear City of Newport:

On behalf of the Preservation Trust of Vermont and the Freeman Foundation, I am pleased to inform you that the City of Newport has been awarded a \$100,000 Preservation Grant for the Gardner Park Grandstand. Its purpose is to assist with completing the funding stack in order to restore the grandstand to its former glory and make it ADA compliant. Before work is underway, please be in touch with us to review plans and to discuss grant payments.

Enclosed is a Grant Agreement that describes the grant payment process and the Grantees' responsibilities. Please read the Agreement and if you are in agreement with the terms, please sign where indicated and return the original to me in the enclosed envelope. A copy of the Grant Agreement is also enclosed for your records. We have also enclosed a W-9 form, which will need to be signed and returned with the grant agreement. The Secretary of the Interior's Standards for Rehabilitation and Preservation are enclosed. For more detailed information you can access the entire document at: <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

Please remember that any publicity about your project should include recognition of the Freeman Foundation and Preservation Trust of Vermont. We suggest using the credit line: *This project was assisted by a Preservation Grant, made possible by a partnership between the Freeman Foundation and the Preservation Trust of Vermont.*

I am very pleased that we are able to assist your project. We are grateful to the Freeman Foundation for making this program possible.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Ben Doyle  
President

Enclosures: Grant agreement, Sec'y. of Interior Standards, W-9 Form

Board of Directors  
President: [Name]  
Vice President: [Name]  
Secretary: [Name]  
Treasurer: [Name]  
Directors: [List of names]

**Preservation Grant Agreement**  
(Revised 1/1/2022)

**Project Name:** Gardner Park Grandstand

**Project Address:** 129 Gardner Park Road, Newport VT

**Mailing Address:** 212 Main Street, Newport, VT, 05855

**Amount of Grant:** \$100,000

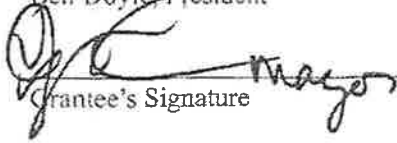
**Purpose of Grant:** Complete the funding stack in order to restore the grandstand to its former glory and make it ADA compliant.

By signing this Grant Agreement, the Grantee acknowledges its acceptance of the following conditions:

1. Grantee agrees that work shall not commence until the Preservation Trust reviews and approves, in writing, the construction plans. Construction plans for the project will be provided to the Preservation Trust for comment early in the planning process.
2. All rehabilitation work shall be completed in accordance with *The Secretary of the Interior's Standards for Rehabilitation*. See attached sheet of the Standards.
3. Grantee agrees to provide an annual progress report, including photographs, until the project is completed. Reports are due by September 30th. A missed report may result in a reduction in the grant award.
4. Grant payments will be made to the Grantee upon submission of a letter of request that includes a status report and contractors' invoices.
5. Prior to the release of the final payment, the Grantee agrees to submit a full set of digital photos of the completed work for Preservation Trust's records and for publicity purposes.
6. Grantee agrees that all publicity related to the project will acknowledge that this project is **"supported by a Preservation Grant from the Freeman Foundation and the Preservation Trust of Vermont."**
7. Grantee agrees that unless otherwise agreed by a formal extension of this agreement, grant funds that are not withdrawn within three years of the date of this agreement will be forfeited.
8. Grantee agrees not to locate communication towers on the property. Cell towers that are concealed within the historic building or related structures are permitted providing they do not negatively impact the architecture and the communications provider commits to removing the equipment when it is no longer functional. Plans must be approved by the Preservation Trust of Vermont prior to construction.
9. Grantee agrees to provide PTV with prior written notice of no less than 45 days of any proposed conveyance of the property.

\_\_\_\_\_  
Ben Doyle, President

\_\_\_\_\_  
Date

  
Grantee's Signature

\_\_\_\_\_  
11/20/23

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Name of Organization

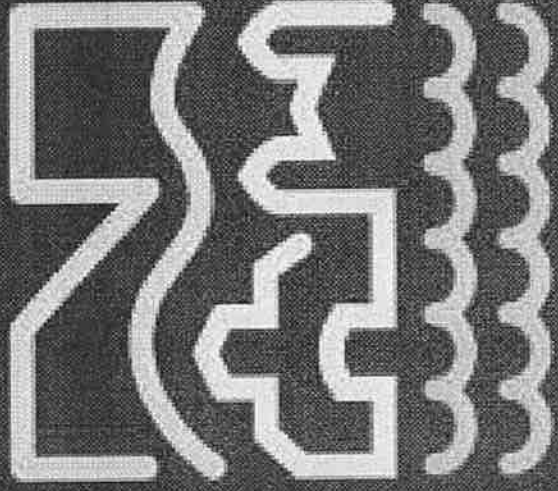
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Organization Mailing Address

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

Discover

**Newport**  
VERMONT



# Newport City Downtown Development

VOREC Collaborative Proposal – Overview  
November 20, 2023

# Goal: To make Newport the Heart of the 4-Season, Outdoor Recreation Economy in the Northern NEK

- Branding and Promoting Newport and the surrounding area as a year-round, "go to" location for Outdoor Recreation
- Stewarding our natural resources and the character of our community
- Assuring that the growth of Outdoor Recreation translates into tangible economic benefits for our residents and businesses
- Building a collaborative spirit in which all of us work together to make Newport a great place to Live, Work and Play!



# VOREC: The Vermont Outdoor Recreation Economy Collaborative of VT Forests, Parks and Recreation

- 6 Million Dollars available in the fund
- Bold, Collaborative Initiatives are encouraged
- Last VOREC Grant in Newport was to support Prouty/Bluffsides Bridge Connector

## The Newport Collaboration: Overview

- 10 organizations + the City of Newport
- NCDD will act as the Lead Applicant
- If awarded, NCDD will provide coordination and act as the grant administrator
- Total Grant Request will be \$400,000+

**Participating Organizations: \$20,000 - \$50,000 each to build capacity**

- **City of Newport Recreation** - New Docks, Pedal Boats and E-Bikes
- **Memphremagog Trails** - Trail Building and Trailside Warming Hut
- **Memphremagog Community Maritime** - Capital Improvements on the Northern Star to increase potential for binational cruises
- **Newport Community Sailing Center** - Purchase boats for sailing lessons and rentals
- **NEK Guides** - Boat Trailer and staffing to offer financially accessible canoeing opportunities on Memphremagog

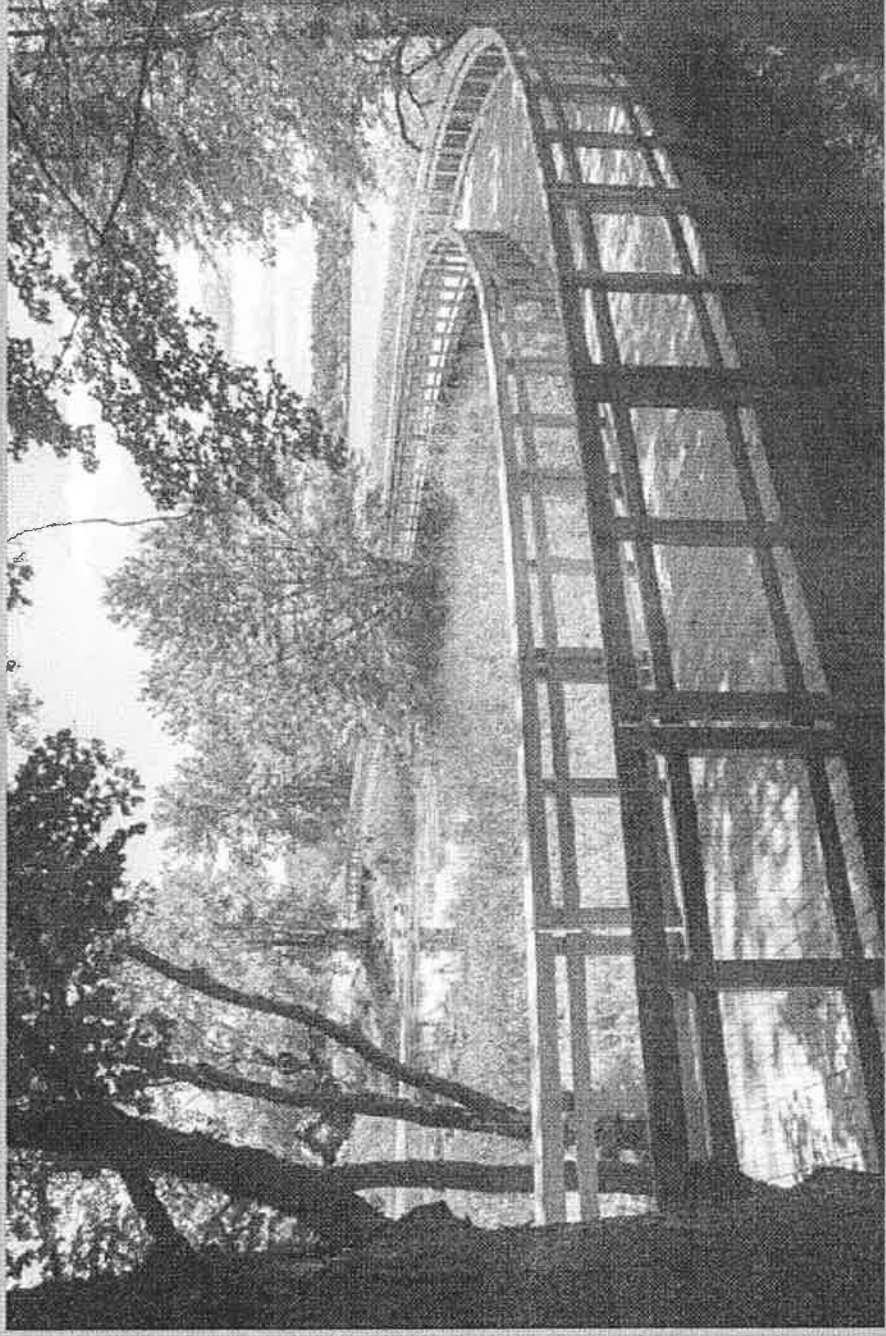
## Participating Organizations: \$20,000 and \$50,000 each to build capacity

- **Kingdom Games** – to purchase and refurbish boats to build capacity to support long-distance swimmers Newport to Magog
- **Bluffside Farm/Vermont Land Trust** – to purchase a tractor and appropriate implements to maintain trails, fields, forest and access to the connector bridge
- **Northern Forest Center** – to continue binational collaboration for Memphremagog Greenway Bike route
- **Memphremagog Watershed Association** – to combat invasive species and improve boat access to Memphremagog
- **Mountaineers Snowmobile Club** – to create safe snowmobile access to downtown Newport
- **Newport City Downtown Development** – to create and maintain an on-line, virtual outdoor recreation hub

# Synergies in the VOREC Proposal

- Natural “next steps” after completion of the Connector Bridge and Waterfront Recreation Path
- Coordination between 11 organizations that share common commitments around environmental stewardship and outdoor recreation
- Online Virtual Hub to connect visitors to local guides
- Connection to the Electronic Kiosk planned for Parklet
- Connection to the 10 Outdoor Recreation Sculpture Project planned for Downtown Newport

# Newport Vermont: Building Our Future Together!



**Restricted (Specific Purpose by Funder)**

	6/30/22	FY22/23	FY22/23	6/30/23
	Balances	Funds Added	Funds Used	Balances
Records Restoration Reserve	\$ 27,095.87	\$ 13,187.00	\$ 6,995.00	\$ 33,287.87
NBRC Grant Funds Match	\$ 240,800.00	\$ -	\$ -	\$ 240,800.00
Walmart Funds for Economic Development	\$ 380,000.00	\$ 100,000.00	\$ 30,000.00	\$ 450,000.00

**Committed(Specific Purpose by the Council)**

Street Resurfacing	0-92-98.01	\$ 154,346.97	\$ 228,540.00	\$ 32,006.10	\$ 350,880.87
Main Street Maintenance	0-92-98.10	\$ 22,595.63	\$ 15,000.00	\$ 16,388.90	\$ 21,206.73
Public Works Vehicles	0-92-98.03	\$ 51,446.90	\$ 155,000.00	\$ 5,473.49	\$ 200,973.41
Bridge/Culvert/Retaining Wall Repair	0-92-98.12	\$ 13,707.30	\$ 50,000.00	\$ -	\$ 63,707.30
Street Reconstruction	0-92-98.09	\$ 102,053.27	\$ 35,000.00	\$ 18,397.95	\$ 118,655.32
Street Capital Design Projects	0-92-98.81	\$ 315,945.11	\$ 80,000.00	\$ 32,570.21	\$ 363,374.90
Streetscape & Park Improvements	0-92-98.90	\$ -	\$ -	\$ -	\$ -
Street Banners & Lights	0-80-86.83	\$ -	\$ 5,000.00	\$ 289.85	\$ 4,710.15
Municipal Bldg Remodel	0-92-98.44	\$ -	\$ 10,000.00	\$ -	\$ 10,000.00
Tennis Court Sinking Fund	0-90-90.89	\$ 4,344.00	\$ 1,440.00	\$ -	\$ 5,784.00
Recreation Maintenance Vehicles	0-92-98.40	\$ 3,109.61	\$ 12,500.00	\$ -	\$ 15,609.61
Gateway/Waterfront Improvements	0-92-98.20 & 0-92-98.21	\$ 61,631.79	\$ 38,000.00	\$ 59,076.67	\$ 40,555.12
Prouty Beach Improvements	0-92-98.65	\$ 10,964.82	\$ 18,482.60	\$ 29,447.42	\$ -
Prouty Beach Washers/Dryers	0-92-98.37	\$ 2,906.25	\$ 2,770.98	\$ 5,225.27	\$ 451.96
Gardner Park Improvements	0-92-98.53	\$ 22,952.06	\$ 30,000.00	\$ 15,109.41	\$ 37,842.65
Dock Improvements	0-92-98.52	\$ 14,960.00	\$ 5,500.00	\$ -	\$ 20,460.00
Aquatic Weed Control	0-92-98.78	\$ 19,990.00	\$ 2,000.00	\$ -	\$ 21,990.00
Event Tent/Equipment	0-92-98.57	\$ 1,800.00	\$ 2,500.00	\$ -	\$ 4,300.00
Fire Station Renovations	0-92-98.84	\$ -	\$ 20,000.00	\$ 20,000.00	\$ -
Fire Vehicle/Equipment	0-92-98.89	\$ -	\$ 38,000.00	\$ 9,280.46	\$ 28,719.54
Fire Fighter Grant Cash Match		\$ 15,000.00	\$ -	\$ 15,000.00	\$ -
Police Tech Equipment	0-92-98.86	\$ 6,206.75	\$ 5,000.00	\$ -	\$ 11,206.75
Bullet Proof Vest Replacement	0-92-98.85	\$ 12,189.75	\$ 5,000.00	\$ 1,168.00	\$ 16,021.75
Dispatch Equipment	0-92-98.87	\$ 117,317.58	\$ 10,000.00	\$ -	\$ 127,317.58

<b>Restricted/Committed/Assigned</b>	\$1,601,363.66	\$ 882,920.58	\$ 296,428.73	\$2,187,855.51
<b>Unassigned</b>	\$ 107,141.27		\$ 292,119.78	\$ (184,978.51)
<b>Total Fund Balance</b>	\$1,708,504.93	\$ 882,920.58	\$ 588,548.51	\$2,002,877.00
<b>Fund Balance per Audit Draft page 3</b>				<b>\$2,002,877.00</b>

In the governmental fund financial statements, fund balances are classified as follows:

Restricted - Amounts that can be spent only for specific purposes because of laws, regulations, or externally imposed conditions by grantors or creditors.

Committed - Amounts that can be used only for specific purposes determined by a formal action by the City Council.

Assigned - Amounts that are designated by management for a particular purpose.