

Council Minutes

DRAFT

February 5, 2024

A duly warned meeting of the Newport City Council was held on Monday, February 5, 2024, in the council room in the Newport Municipal Building. Present were Mayor Linda Sullivan, Council President John Wilson, Council Members Kevin Charboneau, Chris Vachon, Clark Curtis, City Clerk James Johnson, Comptroller Becky Therrien, Public Works Director Tom Bernier, Mike Welch, Aaron Larsen, Stacey Therrien, Robyn Churchill, Beriah Smith, David Rugh, Jason Booth, members of the Press and Public.

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

Additions/Deletions to the Agenda

Mr. Wilson moved to table item number 10. Seconded by Mr. Charboneau, motion carried unanimously.

Approval of Minutes

Mr. Charboneau moved to approve the minutes of January 22, 2024. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Vachon moved to approve the minutes of January 23, 2024. Seconded by Mr. Curtis, motion carried unanimously.

Mr. Curtis moved to approve the minutes of January 29, 2024. Seconded by Mr. Wilson, motion carried unanimously.

Response to Petterson open Meeting Law Violation Allegation dated January 26, 2024

Mr. Curtis moved to find that premature general public knowledge of the subject of the anticipated executive session tonight would clearly place the board and /or persons involved at a substantial disadvantage. 1 V.S.A. 313(a)(1)(F). Seconded by Mr. Wilson, motion carried unanimously.

Mr. Vachon moved to enter executive session 1 V.S.A. 313(a)(1)(F) and invite the City Attorney and Comptroller into executive session. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Curtis moved to deny the alleged open meeting law violation. Seconded by Mr. Vachon, motion carried unanimously.

Recording Employee Policy

Mr. Wilson moved to direct the City Attorney to research and draft a policy on recording city staff discussions to see if this is allowed or prohibited for the council to consider. Seconded by Mr. Curtis, motion carried unanimously.

E-mail Retention Policy

Mr. Curtis moved to direct the City Attorney to research and draft a Records Retention policy for the council to consider. Seconded by Mr. Charboneau, motion carried unanimously.

Conflict of Interest Policy

Mr. Wilson moved to direct the City Attorney to research and revise the Conflict-of-Interest Policy for the council to consider. Seconded by Mr. Cutris, motion carried unanimously.

Personnel Policy Review

Mr. Charboneau moved to table until the City Attorney looks at this proposed Personnel Policy to see if any adjustments need to be made. Seconded by Mr. Vachon, motion carried unanimously.

Newport City Elementary School Presentation

Elementary School Principal Aaron Larsen gave a presentation for the proposed 2024-25 school budget.

Peter Costas Property Issue Presentation

Mr. Costas reviewed the drainage problem on his property.

Request for Amendment on NBRC Award Causeway Project(attached)

Mike Welch presented a request for an amendment on the NBRC award for the Causeway Project to extend the project to September 30, 2025.

Mr. Vachon moved to authorize the Mayor to sign the amendment and any related document for the NBRC Causeway Project. Seconded by Mr. Wilson, motion carried unanimously.

Water Systems Improvements, East Side Storage Tank and Booster Pump Station, contract No. 2 and Alternate #1 (attached)

Jason Booth gave an update on the East Side Storage Tank Project. The lowest bidder on the project was J.P. Sicard in the amount of \$3,174,444 and include alternate #1 in the amount of \$45,000. Mr. Wilson moved to award the East Side Storage Tank project and alternate #1 to J.P. Sicard of Barton, Vt. for a total amount of \$3,219,444. Seconded by Mr. Vachon, motion carried unanimously.

MERP Assessment MOA (attached)

Mr. Vachon moved to approve the MERP assessment MOA as presented the the Vermont Dept of Buildings and General Services. Seconded By Mr. Charboneau, motion carried unanimously.

2024 Coin Drops (attached)

Mr. Wilson moved to approve the 2024 Coin Drops. Seconded by Mr. Charboneau, motion carried unanimously.

2024 Parade Requests (attached)

Mr. Vachon moved to approve the 2024 parade requests. Seconded by Mr. Charboneau, motion carried unanimously.

Water & Wastewater Allocation Request (attached)

Mr. Charboneau moved to approve the Water & Wastewater allocation for Northeast Pizza Co. Seconded by Mr. Vachon, motion carried unanimously.

Comments by the Public

Mr. Johnson read a response to comments made by Ms. Barnes at the January 22, 2024, council meeting.

Jennifer Bjurling commented on the January 22, meeting, and bonding by the mayor.

Stacey Therrien commented on a newspaper article about misinformation.

Anne Chiarello commented on record keeping.

Donna Constantineau commented on Senior Ballroom Dancing.

New Business

Mr. Vachon moved to approve a Vendor Permit for O'Crepe for June 8, 2024. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Charboneau moved to approve 2024 Liquor Licenses for AGS Market, Jimmy Kwik, and Walgreens. Seconded by Mr. Curtis, motion carried unanimously.

Mayor Sullivan noted VLCT trainings to begin after Annual Meeting, A Grant in the amount of \$59,523 for the Downtown Master Plan, Tax Map updates are in progress, and Water/Sewer finances will be on the next agenda.

Old Business

Mayor Sullivan noted that the City Attorney provided documents in the Capello litigation timely. Mayor thanked all candidates seeking election.

Next Meeting Date

February 26, 2024

Adjournment

Mr. Charboneau moved to adjourn at 8:35 PM Seconded by Mr. Vachon, motion carried unanimously.

Attested _____ **This** _____ **Day of February 2024**

Mayor



CERTIFICATION OF COMMITTED MATCH AND COST SHARE

Grantee Name:

City of Newport, Vermont

NBRC Grant Award #:

NBRC 19GVT10

NBRC Award Amount:

\$ 250,000.00

Match & Cost Share*:

\$ 1,356,387.00

*Total of all sources must align with both the NBRC award amount, and the match and cost share as represented in the executed Grant Agreement for the award.

List each source and amount of match and cost share commitment separately. Include documentation of commitment from each source to this form. **Please see NBRC's Grant Administration and Compliance Manual for guidance on what is considered eligible commitment documentation.**

Source	Amount	Documentation Provided
USDA Community Facility Grant	\$119,637	USDA Award Letter 6/9/21
City of Newport - Materials Cash	\$865,617	Council Resolution 2/5/24
City of Newport - DPW Labor	\$185,566	Council Resolution 2/5/24
City of Newport - DPW Equipment	\$185,567	Council Resolution 2/5/24

If more space is needed, attach a separate piece of paper listing each match and cost share source.

Linda Joy Sullivan, Mayor

Name and Title of Authorized Official

Signature of Authorized Official

Date



Northern Border Regional Commission

APPENDIX G CONTRACT AMENDMENT REQUEST FORM

AMENDMENT REQUEST DATE: GRANT #:

NAME OF GRANTEE: STATE(s):

CONTRACT START DATE: CONTRACT END DATE:

REQUESTED CONTRACT END DATE:

NOTE: NBRC allows extensions for SEID, EDA and USDA funded projects in one-year increments, with end dates of 9/30. For FEP funded projects, extensions are allowed in one-year increments, with end dates of 12/31. If additional time is being requested the amendment review process will also require approval of the State Program Manager(s) from the State(s) where the project is occurring.

TYPES OF AMENDMENT REQUEST:

Change in Authorized Official Only

Submit the following documents to NBRC as one PDF:

- Key Contacts Form
- Authorized Official Resolution

Contract Extension Only (No Budget, Match, or Scope changes)

Submit the following documents to NBRC as one PDF:

- Completed and Executed Contract Amendment Request Form
- Justification of need for contract extension
- Revised project timeline
- Description of project progress to date
- Confirmation budget and scope are not changing
- Confirmation committed match remains in place

Project Re-Scope (Changes to scope and outcomes, Budget, and Match Changes)

Submit the following documents to NBRC as one PDF:

- Completed and Executed Contract Amendment Request Form
- Description of Project re-scope (include what has been completed to date, reason for change, etc.)
- Revised project budget
- Revised project timeline
- Revised work plan
- Revised match commitment form (if applicable)

1. As a result of the project re-scope, is an update to the environmental review required? Yes No
If Yes, attach updated environmental review documentation.

2. Does the project re-scope result in additional historic preservation impact? Yes No
If Yes, attach documentation of how historic preservation impact will be addressed.

Submit one PDF of all required documentation by e-mail with your grant # referenced in the subject line to admin@nbrc.gov. For amendment questions please contact the appropriate NBRC Program Manager or Program Director Andrea Smith at (603) 369-3001.

Signature of Authorized Official for Grantee

Date

Memorandum of Agreement (MOA)
between
The Vermont Department of Buildings and General Services (BGS)
and
City of Newport
for the
Provision of Municipal Energy Assessment Services Under the Municipal Energy Resilience Program (MERP)

INTRODUCTION

The State of Vermont Department of Buildings and General Services (hereinafter “State”) and the city/town/municipality of **Newport** (hereinafter “Municipality”) enter into an MOA regarding an energy resilience assessment(s) (hereinafter ‘assessment(s)’) **Level 1** under the newly created Municipal Energy Resilience Program. The State and Municipality may be individually and collectively referred to as ‘Party’ and ‘Parties’ in this Agreement.

Both Parties, agree to the following terms and conditions:

1. PURPOSE & SCOPE

- 1.1. The purpose of this Agreement is to delineate the roles and responsibilities of the Parties with respect to the coordination of, documentation for, and scope of services comprising the assessment(s).
- 1.2. These assessment(s) shall be conducted on property owned and controlled by the Municipality, collectively referred to as ‘Facility’ and ‘Facilities’ at the following locations:

Facility #1 Municipal Building, 222 Main St.

Facility #2 Gateway Center, 84 Fyfe Dr.

Facility #3 Fire Dept., 350 Western Ave.

Facility #4 Public Works Garage, 900 Union St.

Facility #5 Wastewater Treatment Plant, 94 TP Ln.

- 1.3. The assessment shall evaluate the conditions of the Facility or Facilities with regards to the energy service categories required under Act 172 §2(d). A qualified Contractor procured by the State will provide these services at the State’s expense.
- 1.4. The State shall be responsible for the cost of the assessment, coordinating with the Municipality and/or the Municipality’s Regional Planning Commission (RPC) to provide all necessary documentation to the Contractor prior to the assessment. The State will provide the Contractor to the Municipality with a pre-determined statement of work (SOW). The Municipality agrees to indemnify the State against any unforeseen discovery or occurrence at the Facility premises which arises from the assessment.
- 1.5. The Municipality shall provide all building documentation requisite to complete the assessment, outlined in Section 3 of this Agreement.

4. MUTUAL COVENANTS

4.1. No amendment to this Agreement will be valid unless it is in writing and signed by the authorized representatives of the State and Municipality.

5. AGREEMENT TERM

5.1. The term of this Agreement shall begin upon the date of its execution by both Parties and shall automatically terminate upon the report being delivered to the Municipality.

5.2. This Agreement may be terminated by the mutual written agreement of the State and Municipality at any time.

For and on behalf of
**Vermont Department of Buildings and
General Services**

Signature: _____

Name: _____

Designation: _____

Date: _____

For and on behalf of
(Newport City) (Municipality)

Signature: _____

Name: _____

Designation: _____

Date: _____

COIN DROPS - 2024

Council Approved: _____

<u>Organization</u>	<u>Date</u>	<u>Time</u>
Veterans of Foreign Wars of the U.S. Auxiliary	May 25th (Sat.)	8AM – 2PM
Newport Parks & Recreation Department	June 8th (Sat.)	9AM – 3PM
Newport Fire Department	July 6th (Sat.)	8AM – 2PM
American Legion Post #21	August 10th (Sat.)	8AM – 2PM
Veterans of Foreign Wars of the U.S. Post #798	Sept. 14th (Sat.)	8AM – 2PM
Disabled American Veterans (DAV)	October 12th (Sat.)	9AM – 3PM
Newport Recreation Committee	November 9th (Sat.)	9AM – 12PM
American Legion Post #21 Auxiliary	November 9th (Sat.)	12PM – 3PM

MEMO

To: Newport City Council
From: Michael Brown, Director of Recreation
Date: February 2, 2024
Re: 2024 Parade Permits Requests & Policy

Four parade permit requests for 2024 have been received. The municipal budget supports and funds up to \$1000 for 4 seasonal requests. Any other approved parades above the 4 must be funded by the requester. Deviations from the parade route outside the standard course or who require additional support will be responsible for paying all expenses incurred after the \$1000 allowance. Parades hosted by City departments are given priority, followed by preference for parades that are scheduled by season (ideally one parade for each season). This does not include organized walks or processions that use the bike path or do not interrupt the flow of traffic beyond the cross walk areas. Requests are to be submitted between January 1 and January 31 of the year in which the parade is requested to be held.

Parades are defined as a well advertised, organized and coordinated procession of parade participants such as floats, animals, people, marching bands, performers, etc., and must have a registration process that accounts for the number of participants which is provided to the city 3 days prior to the event so that appropriate safety measures can be planned.

Requested Permits:

- Memorial Day Parade to Gardner Park: 5/27/24
City of Newport submitted on January 2, 2024
- NEK Pride Celebration Parade: 6/23/24
NEK Rainbow Coalition submitted on January 2, 2024
- Kingdom Swim March: 7/26/24
Kingdom Games/Phil White submitted January 11, 2024
- Light up the Night Parade: 12/7/24
City of Newport submitted on January 2, 2024

MEB

CITY OF NEWPORT

PRELIMINARY WASTEWATER ALLOCATION APPLICATION

Application No. P24-001

Date Received: 11/29/04

Signature: Thomas J. Benoit

Application Fee: \$30 Residential
\$100 Non-Residential
Reserve Capacity Fee: \$0.12 per gallon
Final Allocation Fee: \$0.24 per gallon

To the City of Newport, Vermont:

The undersigned, being the Owner of the property located
at 59 Water Front Plaza Parcel ID # 126062
(Number) (Street)

does hereby request a permit for sewer use to serve
the Northeast Pizza Co (Hoagies)
(Residence, apt., commercial bldg., industrial facility, etc.)
at said location. Sewer use is for (check the appropriate boxes)

- Renewal of an existing permit.
- Expansion of an existing connection.
- A new connection.
- A reserve capacity flow allocation.
- Other.

1. Residential:

- a. Number of living units by types:
Single Family Homes: _____
Mobile Homes: _____
Apartments: _____
Townhouse/Condominiums: _____
- b. Estimate of Flow:
Use the Vermont Wastewater System and Potable Water Supply Rule, effective
1 January 05, Table 1, Design Flow: _____ gallons per day

2. Non-Residential:

- a. Description of Connection's Flow.
Type: Restaurant
Number of Units: 25 Seats @ 27 gpd
- b. Estimate of Flow:
Use the Vermont Wastewater System and Potable Water Supply Rule, effective
1 January 05, Table 1, Design Flow: 675 gallons per day

3. Will the strength of the wastewater be typical domestic wastewater?

Yes No

4. Failure of the applicant to meet the requirements of the Sewer Ordinance and this permit, will result in permit revocation.

Page 1 of 2

5. The applicant may not transfer, by any means, this allocation approval to any other person.

6. Submit the application fee with this application. Make the check out to "City of Newport."
7. Submit the allocation fee with this application by separate check. Check will be returned if application is denied.

8. Applicant Information:

Date: 2/2/24

Applicant: North east Pizza

Name: Trevor Farrer

Address: 59 Waterfront Plaza Newport VT 05855

Signature: [Signature]

Daytime Phone No.: 802-624-1207

Daytime Fax No.: _____

9. Is this a Preliminary or Final Application? Refer to the Newport Sewer Ordinance for the details of the reserve capacity allocation request.

Preliminary
 Final

If this is a final application, then ensure the submittals identified in the Sewer Ordinance are included in this application.

Connections which generate a flow over 1000 gpd or have waste strength above residential use must be certified by a Vermont registered engineer.

To be completed by the City:

A. PRELIMINARY COMMITMENT OF RESERVE CAPACITY

1. Your request for permission to use the Newport public sewage system has been received and considered.
2. Preliminary Commitment of Reserve Capacity for sewer system use is granted. You must comply with all provisions of the City's "Sewer Use Ordinance."
3. The committed reserve capacity allocated for you is 675 gallons per day.
4. This preliminary commitment will expire ONE YEAR from the preliminary approval date below.
5. Review for Final Approval will not proceed until your letter request, including required documents, for Final Approval is received.

Preliminary Approval:

City of Newport
 City Council _____

Date: _____

Expiration Date: _____

CITY OF NEWPORT
APPLICATION FOR WATER ALLOCATION/TURN-ON

OWNER/APPLICANT: Northeast Pizzas (Hoagies) Permit # W24-001

ADDRESS: 89 Waterfront Plaza
Newport VT 05855

ADDRESS WHERE ALLOCATION IS BEING REQUESTED:
89 Waterfront Plaza Newport VT 05855

FEE: RESIDENCE - \$30.00 Allocation GPD 675
~~COMMERCIAL - \$30.00~~ City Tax Map # 126062
INDUSTRIAL - \$60.00
EXISTING - \$15.00

GENERAL CONDITIONS:

- 1) All costs for connecting to the City water system shall be borne by the owner/applicant.
- 2) All plumbing shall be done in accordance with all applicable national, state and/or local codes.
- 3) Water lines two (2) inches or less in diameter installed within the City's R.O.W shall be K type copper.
- 4) Water lines greater than two (2) inches in diameter shall be ductile iron.
- 5) The owner/applicant shall install a radio read water meter which shall be purchased from the City and paid for by owner/applicant.
- 6) Water and sewer billing will commence from date of water meter purchase.
- 7) An application for water service connection shall be filed with the City when a new service needs to be installed.
- 8) The City must be notified 48 hours in advance of a water turn On/Off to activate system. **No person other than a City employee shall operate a City-owned water shut off valve. The water turn on will not take place unless all conditions have been addressed.**

Special Conditions: _____

[Signature]
Owner/applicant Signature

Feb, 2, 2024
Date

Approval: The City of Newport has sufficient uncommitted reserve hydraulic capacity to serve the above proposed project.

Authorized Signature

Date