

City Manager..... (802) 334-5136  
City Clerk / Treasurer..... 334-2112  
Public Works..... 334-2124  
Zoning Adm. / Assessor..... 334-6992  
Recreation / Parks..... 334-6345  
Fax..... 334-5632



City of Newport  
222 Main Street  
Newport, Vermont 05855  
[www.newportvermont.org](http://www.newportvermont.org)

**Newport City Council Meeting**  
**Regular Meeting Agenda**  
**Monday, July 22, 2019, beginning at 6:30 p.m.**  
**Council Room**

City Council: Paul Monette, Mayor  
Julie Raboin, Council President  
Kevin Charboneau  
Dan Ross  
Melissa Pettersson

Laura Dolgin, City Manager  
James D. Johnson, City Clerk/Treasurer

1. Call the Regular Council Meeting to Order
2. Approve the Minutes of the July 8, 2019
3. Comments by Members of the Public
4. Chittenden Solid Waste District Presentation, Executive Director Sarah Reeves; Josh Tyler, Assistant Engineer/Project Manager; and Michelle Morris, Director of Outreach & Communications
5. Public Works Vehicle, Public Works; Vote
6. Niles Fund Criteria, Vote
7. New Business
8. Old Business
9. Set next meeting: Regularly Scheduled Council Meeting: August 5, 2019 @ 6:30
  - a. Public Meeting on our Solid Waste Implementation Plan on August 5 @ 6:30
10. Adjourn

**Newport City Council Meeting Participation Guidelines**

Newport City Council meetings are for the purpose of allowing Council members to conduct City business. Distinct from public hearings or town meetings, City Council meetings are held in public, but are not meetings of the public. City Council meetings are the only time the City Council members have to discuss, deliberate and decide upon City matters. In an effort to conduct orderly and efficient meetings, the Mayor kindly requests your cooperation and compliance with the following guidelines per the policy adopted on December 21, 2015 and ratified on January 22, 2017, and adopted again on April 1, 2019:

1. Please be respectful of each other, Council members, city staff, and the public.
2. Please raise your hand to be recognized by the Mayor. Once recognized, please state your name and address or affiliation.
3. Please address only the Mayor and not members of the public, staff, or presenters.
4. Please abide by any time limits. Time limits will be used to insure everyone is heard and that there is sufficient time for the Council to complete their agenda within a reasonable timeframe.
5. The Mayor will make a reasonable effort to allow everyone to speak once before speakers address the Council a second time per the limits adopted on January 23, 2017.
6. Once public comment has been heard, discussion will be limited to the City Council members.
7. Please do not interrupt or mock other speakers or otherwise exhibit disruptive behavior during the City Council meeting.
8. Please do not repeat the points made by others, except to indicate agreement or disagreement with other views.
9. Please use the hallway for side conversation. It is difficult to hear speaker remarks when side conversations are occurring in the Council Chamber.
10. Presentations to the Council are not open to public comment. However, per the policy adopted on December 21, 2015, matters on the agenda requiring a vote are open to public comment immediately prior to the Council vote.
11. Individuals who do not abide by these procedures will be asked to leave the Council Chamber.

## Council Minutes

July 8, 2019

A duly warned meeting of the Newport City Council was held on Monday, July 8, 2019 in the council room in the Newport Municipal Building. Present were Mayor Paul Monette, Council President Julie Raboin, Council Members Kevin Charboneau, Melissa Pettersson and Dan Ross, City Manager Laura Dolgin, City Clerk/Treasurer James Johnson, Lt. Travis Bingham, Jessica Booth, Tom Bernier, Jamie LeClair, Jen Smith and members of the Press and Public.

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

### Approval of Minutes

Ms. Pettersson moved to approve the minutes of June 17, 2019. Seconded by Mr. Ross, motion carried.

### Comments by the Public

Mayor Monette congratulated WOW for their first event of the season and the Recreation Dept. for the July 4<sup>th</sup> Celebration

Ann Chiarello asked that the council consider testing the city's drinking water for PFAS.

Jen Smith updated the council on the Recreation Committee activities.

### Zoning Violations

Mr. Elliott brought up three long running zoning violations and suggested that the City begin the process of fining the violators.

Mr. Elliott asked permission to move forward on three zoning violations. Kincaid, Cogan and Jennison. Mr. Ross moved to authorize the Zoning Administrator to contact the City attorney for legal action on the three properties in violation of the Zoning by-laws. Seconded by Ms. Raboin, Motion carried unanimously.

### New Business

Mr. Johnson brought up a Niles Fund request. Discussion was held as to whether the request should be public information. Mr. Johnson felt they should be confidential because of financial information on the request. Ms. Pettersson moved to table the request until next meeting. Seconded by Mr. Ross, motion carried unanimously.

Mr. Johnson brought two vendor permit requests. Ms. Raboin moved to approve both requests. Seconded by Ms. Pettersson, motion carried.

Ms. Raboin moved to approve the 2019-20 Line of Credit with Passumpsic Bank. Seconded by Ms. Pettersson, motion carried.

Ms. Dolgin updated the council on the Solid Waste Implementation Grants requirement for outreach on food scraps.

CSWD will attend the July 22nd council meeting.

**Old Business**

Ms. Raboin noted that there needs to be some action on the use of Jake Breaks in town.

The council discussed the Large Event Permit policy.

**Next Meeting Date**

July 22, 2019

**Executive Session for Personnel**

Ms. Raboin moved to enter executive session to discuss the appointment, employment or evaluation of a public officer or employee, 1 VSA, sec 313(3)(a)(3). Seconded by Ms. Pettersson, motion carried.

In open session, Ms. Pettersson moved to authorize the City Manager to send a letter to the former City Assessor explaining that the City is disputing his bill. Seconded by Mr. Charboneau, motion carried unanimously.

**Adjournment**

Mr. Ross moved to adjourn at 8:11 PM. Seconded by Ms. Pettersson, motion carried.

Attested, \_\_\_\_\_ this \_\_\_\_\_ Day of July, 2019

City Manager ..... (802) 334-5136  
 334-3891  
 City Clerk/Treasurer ..... 334-2112  
 334-3892  
 Public Works ..... 334-2124  
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City of Newport  
 222 Main Street  
 Newport, Vermont 05855

TO: Laura Dolgin/City Manager  
 FROM: Thomas L. Bernier/P.W. Director  
 DATE: July 17, 2019  
 RE: New 2019 Pickup

Our 2006 Ford F150 needs to be replaced. This truck has major body issues and will not pass another State inspection. This truck will be expensed through Public Works, Sewer and Water budgets. I sent out bids for the replacement of this truck. These are the bids listed below:

**Delabruere Auto Sales**

2020 GMC Sierra 1500 4WD Crew Cab Standard	\$36,935.55
Warranty 6 year	<u>\$2,295</u>
	<b>\$39,230.55</b>

**Delabruere Auto Sales**

2020 GMC Sierra 1500 4WD Crew Cab SLE	\$39,373.85
Warranty 6 year	<u>\$2,295</u>
	<b>\$41,668.85</b>

**NorthPoint**

2019 Dodge Ram 1500 4WD Quad Cab Tradesman	\$28,720
84 Month/70,000 Mile Warranty	<u>\$3,346</u>
	<b>\$32,066.00</b>

**NorthPoint**

2019 Dodge Ram 1500 4WD Quad Cab Big Horn	\$37,739
84 Month/70,000 Mile Warranty	<u>\$3,346</u>
	<b>\$41,085</b>

**Hayes Ford, Inc.:**

2019 Ford F-150 4WD Super Cab XL	\$30,798
84 Month/100,000 Mile Warranty	<u>\$1375.00</u>
	<b>\$32,173</b>

**Hayes Ford, Inc.:**

2019 Ford F-150 4WD Super Cab XLT  
84 Month/100,000 Mile Warranty

\$33,052  
\$1375.00  
**\$34,427**

The difference between an Xl and an "XLT":

Chrome front and rear bumpers  
Chrome front grill  
Fog lights  
Automatic running light switch  
Power mirrors  
Tailgate lock  
Tinted rear windows  
MyKey  
Visor mirrors  
Large 8" touch screen  
Ford-pass (ability to track truck and see tire pressures, fuel level and start/stop/lock/unlock truck all from a phone)  
Painted aluminum wheels  
Anti-theft  
Keyless entry  
Door keypad

NorthPoint Dodge was the lower bid by \$107 under the Ford F150 XL model. The difference in cost between the Ford XL and XLT is \$2,254. The added features on the XLT make it a much more functional truck at a minimal cost over the life of the truck.

I would like to request that we purchase the 2019 Ford F-150 XLT pickup for the bid price of \$34,427 from Hayes Ford, Inc.

To City Council

From: James Johnson, City Clerk & Treasurer, and Laura Dolgin, City Manager

Date: July 17, 2019

Re: Recommendation for Niles Trust Fund Decisions

A Niles Fund application came before the Council at the July 8, 2019 regular meeting and the press began to question the public nature of these requests. The request was tabled so that research could be completed and a recommendation made for handling future Niles Fund Requests in order to protect the identity of the applicants.

The fund was set up as an estate through the Probate Court and is designed for the principal to remain intact with awards coming from the accumulated interest, as per the original estate.

The council currently has decision making capacity and must base their decisions on set criteria, per the attached. The applicant names are confidential.

Although the Niles Fund is not comprised of taxpayer dollars, it is included in our annual audit as a non-expendable trust fund, and annual reporting is provided to the Probate Court.

We have 3 plausible recommendations for the council to consider in making future decisions that will protect the identity of the applicants: 1) process them on the record as they have been, 2) process in executive session (1 VSA 313(a)(6)) which would require a motion in open session to approve the request as submitted, or 3) empower the city clerk/treasurer to decide with the condition that all personal information is to remain confidential and the accounting for the annual audit and the report to probate court continues.

We recommend the third option.

If the council agrees, the motion would look something like this: I move to authorize the city clerk and treasurer to decide the Niles Fun Awards based on the existing set criteria, to ensure the applicant names stay confidential, and to provide the requisite annual accounting to the auditor and to the probate court.

An updated Niles Trust Fund Guideline is attached for review and vote.

**PERLEY S. NILES**

**TRUST FUND**

**The following are the guidelines to access the Perley S. Niles Fund**

**Adopted by the Newport City Council on**

**July 22, 2019**

We, the Newport City Council, trustees of the Perley S. Niles Fund, do hereby adopt the following guidelines to be utilized in determining the eligibility of applicants for grants in aid from the Perley S. Niles Trust Fund. Individuals can be assisted by the fund only if they cannot receive funds from any other source. Funds can be used for the "Care, Maintenance, Comfort and Welfare" of the applicant.

In order to be eligible for financial assistance, the applicant must meet the following guidelines.

1. The applicant must be a resident of the City of Newport, Vermont.
2. The applicant must be at least 60 years in age.
3. For medical expenses, the applicant must have exhausted all benefits available to the individual through private insurance and/or Medicare.
4. The applicant must not be covered by Medicaid.
5. The income of the applicant and spouse, if any, must not exceed two hundred percent (200%) of the most recently determined Federal Poverty Guidelines.
6. The applicant's expenses must have been incurred within one year of the date of application for assistance.
7. No more than four hundred dollars (\$400) shall be awarded to any individual, and no more than twice in a five-year period.
8. Whenever possible, grant payments shall be paid directly to the provider, on behalf of the applicant.
9. Eligible applicants shall be funded on a first come, first served basis.

Dated at the City of Newport, County of Orleans, State of Vermont This \_\_\_\_\_ Day of \_\_\_\_\_ 2019

\_\_\_\_\_  
Paul Monette

\_\_\_\_\_  
Julie Raboin

\_\_\_\_\_  
Melissa Pettersson

\_\_\_\_\_  
Daniel Ross

\_\_\_\_\_  
Kevin Charboneau



# 2019 Health & Human Services Poverty Guidelines / Federal Poverty Levels

Page Reviewed / Updated - May 2019

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### 2019 Poverty Guidelines - Annual

48 Contiguous States and D.C.

Alaska

Hawaii

### 2019 Poverty Guidelines - Monthly

48 Contiguous States and D.C.

Alaska

Hawaii

### Importance of Poverty Guidelines / What These Numbers Mean

The 2019 Poverty Guidelines, commonly referred to as the Federal Poverty Level or FPL, follow in the tables below. Note that these amounts change based on the number of individuals in the household and the state in which one resides.

Federal Poverty Levels are used by many assistance programs as a way to set eligibility criteria. Often programs limit participant's income to some percentage of the FPL, such as 138% or 200%.

**Looking for Financial Help for Elder Care?** There are many programs that provide financial assistance for home care or assisted living. Search our database of over 350 programs.

## 2019 Poverty Guidelines - Annual

### 48 Contiguous States and D.C.

#### Persons in Household

#### 48 Contiguous States and D.C. Poverty Guidelines (Annual)

	100%	133%	138%	150%	200%	250%	300%	400%
1	\$12,490	\$16,612	\$17,236	\$18,735	\$24,980	\$31,225	\$37,470	\$49,960
2	\$16,910	\$22,490	\$23,336	\$25,365	\$33,820	\$42,275	\$50,730	\$67,640
3	\$21,330	\$28,369	\$29,435	\$31,995	\$42,660	\$53,325	\$63,990	\$85,320
4	\$25,750	\$34,248	\$35,535	\$38,625	\$51,500	\$64,375	\$77,250	\$103,000
5	\$30,170	\$40,126	\$41,635	\$45,255	\$60,340	\$75,425	\$90,510	\$120,680
6	\$34,590	\$46,005	\$47,734	\$51,885	\$69,180	\$86,475	\$103,770	\$138,360
7	\$39,010	\$51,883	\$53,834	\$58,515	\$78,020	\$97,525	\$117,030	\$156,040
8	\$43,430	\$57,762	\$59,933	\$65,145	\$86,860	\$108,575	\$130,290	\$173,520



Laura Dolgin <laura.dolgin@newportvermont.org>

## Motorcycle Ordinance

1 message

Seth DiSanto <seth.disanto@newportpd.org>  
To: Laura Dolgin <laura.dolgin@newportvermont.org>

Wed, Jun 19, 2019 at 9:12 AM

Below is the best version of an ordinance prohibiting muffler volume I have found. I would strongly suggest that the City Attorney review if this is moved upon beyond the initial information stage.

I do not like this and it becomes nearly impossible to enforce, given the fact that Harley Davidson type motorcycles are loud to begin with, Officers will have no idea what is factory and non-factory equipment, and I'm not sure we would even want such an ordinance given we are hosting a veterans motorcycle rally granted by the Council in a few weeks.

Please disseminate as you see fit. TY

### PROHIBITED NOISE

(1) General prohibition. It shall be unlawful for any person or persons to make or cause to be made, assist in making, continue or allow to be continued any unreasonable noise. Any such noise shall be considered to be a noise disturbance and a public nuisance and shall be considered a civil violation of this ordinance.

(2) Defined prohibitions. The following acts, which the list shall not be deemed to be exclusive, are declared to be unreasonable and therefore a noise disturbance and a civil violation of this ordinance: a) Radios, television sets, musical instruments, phonographs and similar devices. The operation of, or permitting the use of, any musical instrument, radio, television, phonograph, or other devices for the production or reproduction of sound in such a manner with regards to volume, duration, or content, as to disturb the reasonable peace, quiet, or comfort of the public or in such a manner as to be audible through walls of nearby property or from the street.

### 7/5/2017 ORDINANCES

- 1111

b) Motor vehicle sound equipment. The operation or permitting the operation of radio, stereo or other sound amplification equipment from a motor vehicle that is audible from twenty-five (25) feet from the vehicle or audible upon a city sidewalk. The term "motor vehicle" shall be as defined in 23 V.S.A., Chapter 1, Section 4 (21).

c) Motor vehicle noise.

(i) No motor vehicle shall be operated with muffler and/or exhaust system louder than the vehicle's original equipment.  
(ii) Misuse of power exceeding tire traction limits in acceleration sometimes known as "laying down rubber" or "peeling rubber". (iii) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency. (iv) Rapid acceleration by means of quick up shifting of transmission gears with either a clutch & manual transmission or

automatic transmission. (v) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or automatic transmission. (vi) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still. (vii) The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.

d) Parties and other social events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce unreasonable noise. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event and resides on the premises involved or is a person who lives in or on the premises involved and who has authorized the use of the premises for such event.

e) Machinery. The operation or permitting or directing the operation of any power equipment or machinery outdoors between the hours of 9:00 p.m. and 6:00 a.m. except in emergency situations.

f) Construction noise. The excavation, demolition, erection, construction, alteration or repair of any premises or structure between the hours of 9:00 p.m. and 6:00 a.m. except in emergency situations.

g) Loudspeakers. The use of loudspeakers or other sound amplification equipment from any property onto the public streets or from upon the public streets for any purpose unless given prior approval in accordance with Subsection (3)(e) below.

(3) Exemptions. Noise from the following sources shall be exempt from the prohibitions specified herein:

#### 7/5/2017 ORDINANCES

- 1112

a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work, including, but not limited to, police, fire and rescue vehicle sirens.

b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside daytime hours.

c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition and conduct.

d) Musical, recreational and athletic events conducted by and on the site of a school or educational institution.

e) Events and activities conducted by or permitted by the city. Persons operating an event or activity under authority of an entertainment permit, parade/street event permit, solid waste license, or special event permit shall comply with all conditions of such permits or licenses with respect to noise control issues.

f) Construction or repair work which must be done to address an emergency health or safety concern and that cannot be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(e) PENALTIES (1) First offense. A first offense of any provision of this ordinance by a person during any twelve month period shall be deemed a civil violation and shall be punishable by a fine of one hundred fifty dollars (\$150.00), the waiver fine shall be one hundred dollars (\$100.00).

(2) Second and subsequent offenses. A second offense during a twelve-month period shall be deemed to be a civil violation and shall be punishable by a fine of two hundred fifty dollars (\$250.00), the waiver fine shall be two hundred dollars (\$200.00). Each subsequent offense shall be deemed a civil violation and shall be punishable by a fine of five hundred dollars (\$500.00), the waiver fine shall be four hundred dollars (\$400.00).

(f) ENFORCEMENT

Any certified Vermont Law Enforcement officer shall be the designated enforcement officers. They shall issue complaints and may be the appearing officer at any hearing.

(g) SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance

(h) EFFECTIVE DATE

7/5/2017 ORDINANCES

- 1113

This ordinance shall become effective 20 days after its adoption by the Barre City Council and publication in the Times Argus. If a petition is filed under 24 V.S.A. 1973, the taking effect of this ordinance shall be governed by that statute. (Ord. No. 1989-9, 8/29/89) (Ord. 97-2, 7/20/97) (Revised Ord. No. 2002-01, 3/14/02)

Chief Seth C. DiSanto  
Newport Police Department  
222 Main Street  
Newport VT 05855  
802-334-6733 (phone)  
802-334-2818 (fax)  
seth.disanto@newportpd.org

Vermont Department of Taxes

NOTICE of  
EDUCATION TAX RATES for FISCAL YEAR 2020

RECEIVED

JUL 15 2019

CITY MANAGERS OFFICE  
NEWPORT, VERMONT

CITY OF NEWPORT

Prepared: July 10, 2019

**NON-HOMESTEAD TAX RATE**

**Non-Homestead Tax Rate to be Assessed: \$ 1.6384**

**HOMESTEAD TAX RATE**

**Homestead Tax Rate to be Assessed: \$ 1.3992**

The Homestead Education Tax Rate is based in part on the education spending per equalized pupil of all the pupils residing in your town. Many town districts are also members of union school districts. Each town and union school district will have a tax rate based on its spending per pupil. For towns with multiple school districts, the tax rate is a combination of those rates.

Town-specific information on education tax rate calculations will be available on the Department of Taxes website at:

*<http://www.tax.vermont.gov>*

By law, the legislative body in each municipality shall bill each property taxpayer at the homestead or non-homestead rate as determined by the Commissioner for their municipality.

32 V.S.A. Sec. 5402(b)(1)

If you have questions about your education tax rates, please call the Vermont Department of Taxes at (802) 828-5860.

**ORIGINAL:** Chair Selectboard / City Council

**COPY:** Town / City Treasurer