

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, October 21, 2019, beginning at 6:30 p.m.**  
**Municipal Gym**

City Council: Paul Monette, Mayor  
Julie Raboin, 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 October 7, 2019
3. Comments by Members of the Public
4. ATV Ordinance; Vote
5. Audit Unassigned/Restricted/Committed Fund Balance; Vote
6. New Business
7. Old Business
8. Set next meeting: Regularly Scheduled Council Meeting: November 4, 2019 @ 6:30 pm
9. 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 23, 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**

**DRAFT**

**October 07, 2019**

A duly warned meeting of the Newport City Council was held on Monday, October 7, 2019 in the council room in the Newport Municipal Building. Present were Mayor Paul Monette, Council President Julie Raboin, council members Kevin Charboneau and Daniel Ross, City Manager Laura Dolgin, City Clerk/Treasurer James Johnson, Chief DiSanto, Chief Jamie LeClair, Tom Bernier, Jessica Booth, Scott Jenness, Charlie Elliott, Heidi Eichenberger, members of the Press and Public. Council member Melissa Pettersson was absent.

Mayor Monette called the meeting to order at 6:45 PM.

### **Approval of Minutes**

Mr. Ross moved to approve the minutes of September 16, 2019 as written. Seconded by Ms. Raboin, motion carried.

### **Comments by the Public**

Ruth Sproull was upset by the executive session process at the last Planning commission meeting and felt she was blindsided.

### **ATV Proposal**

Scott Jenness briefed the council and public on the ATV proposal to open some city streets to ATV traffic and opened the hearing to questions and comments.

### **Lakemont Retirement Community Introduction**

Heidi Eichenberger updated the council and public on her proposed retirement community on Lakemont Road.

### **Prouty Beach Seasonal Campers**

Campers from Prouty Beach voiced their opposition to the 18% increase in fees at Prouty Beach. They also felt that not enough was being done to improve and maintain the campground. They felt the increase should be spread out over a three-year period.

**American Legion Flag Purchase Request**

Mr. Ross Moved to appropriate \$500 out of Council Special Events to the American Legion for the purchase of Flags. Seconded by Mr. Charboneau, motion carried.

**Capital Investment Plan Public Hearing Dates**

The council set November 4, 2019 and December 16, 2019 as the dates for Public Hearings on the Capital Investment Plan.

**Executive Session for Personnel**

Ms. Raboin moved to enter executive session for personnel. Seconded by Mr. Charboneau, motion carried. No Action.

**Appointment of Acting Zoning Administrator**

No action.

**Appointment of E911 Coordinator**

No action.

**Appointment of Acting Building Safety Officer**

No action.

**New Business**

Mr. Charboneau was ashamed and embarrassed that NCUHS had to go to Lamoille County to find a School Resource Officer.

**Old Business**

None

**Next Meeting Date**

October 21, 2019

DRAFT

**Adjournment**

Ms. Raboin moved to adjourn at 10:40 PM. Seconded by Mr. Charboneau, motion carried.

Attested \_\_\_\_\_ This \_\_\_\_\_ Day of \_\_\_\_\_ 2019

\_\_\_\_\_ Mayor

**CITY OF NEWPORT  
ORDINANCE REGULATING  
ALL-TERRAIN VEHICLE USE ON TOWN HIGHWAYS**

**SECTION I. AUTHORITY.** Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. § 3510, and § 23 of the Charter of the City of Newport, the City Council of the City of Newport hereby adopts the following civil ordinance regulating the time, manner, and location of operation of all-terrain vehicles ("ATVs") on town highways.

**SECTION II. PURPOSE.** The purpose of this ordinance is to protect the public health, safety, and welfare of the City, and to preserve residents' rights to quiet enjoyment of their homes and property, by regulating the time, manner, location, and operation of ATVs within the City.

**SECTION III. DEFINITIONS.**

- A. "All-terrain vehicle" or "ATV" means any non-highway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.
- B. "Enforcement Officer" means any certified law enforcement officer.
- C. "Operate" shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they are in motion or at rest.
- D. "VASA" means the Vermont All-Terrain Vehicle Association.
- E. "Town Highway" or "Town Highways" means all class 1, 2, 3, and 4 town highways located within the City of Newport.

**SECTION IV. TOWN HIGHWAYS OPENED.** The following Town Highways shall be open to ATV traffic: ([Road name] from (street address/intersection) to (street address/intersection) or open all city highways.)

A.

“

B.

C.

**SECTION V. OPERATION OF ATVs.** ATV operators shall comply with all state and federal law regulating ATV operation, in addition to the following requirements regarding the operation of ATVs in the City of Newport:

- A. All posted speed limits and traffic control devices on Town Highways shall apply to the operation of ATVs.
- B. ATVs may not be operated within the City of Newport between the hours of \_\_\_ P.M. and \_\_\_ A.M.
- C. ATV travel on Town Highways shall be single file. No racing shall be allowed.
- D. Hand signals are required to indicate all turns and stops, in the absence of street legal turn signal lights.
- E. ATVs shall not be operated on Town/public property not open to ATV operation, including: sidewalks, bike paths, hiking trails, recreation fields, on any public greens, in any burial ground or cemetery, on any school playground, child care center, in any wastewater treatment plant, or in the parking lots of any place of religious worship, “Park & Ride” areas, and hospital/clinic and nursing home, VAST snowmobile trails, or as otherwise prohibited by law—unless specific permission is granted by an authorized person or entity.
- F. ATV operators must have a valid driver’s license in order to operate an ATV on Town Highways.
- G. ATV operators and passengers must wear a US Department of Transportation (DOT) approved helmet (unless operating an ATV equipped with seat belts).
- H. All ATVs operated in accordance with this ordinance must be registered with the State of Vermont, and all owners of ATV’s operated in accordance with this ordinance must have and carry evidence of liability insurance.
- I. ATVs must be equipped with:
  - 1. At least one headlight and a rear light in working order, brakes in good mechanical condition, and any windshield free from sharp or jagged edges. (23 V.S.A. § 3505(a) and 23 V.S.A. § 3506(d)). In addition, lights shall be on during vehicle operation from 30 minutes after sunset to 30 minutes before sunrise; and
  - 2. An efficient muffler and exhaust system—an exhaust system with a cut-out, bypass, or similar device, or with the spark arrester removed or modified is NOT permitted. The maximum machine operating noise shall not be more than 82 decibels on the A scale at 50 feet, in a normal operating environment (23 V.S.A. § 3505(b)).

**SECTION VI. ENFORCEMENT & PENALTIES.** The violation of this ordinance shall be a civil matter which may be enforced in the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59. For the purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have the authority to issue tickets provided in the Section and may be the prosecuting officer at any hearing:

- A. An Enforcement Officer is authorized to recover civil penalties for moving violations, or for the operation of an ATV in excess of the posted speed limit.
- B. An Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set forth below:
  - 1. First offense .....\$100.00, waiver fee \$35.00
  - 2. Second offense .....\$150.00, waiver fee \$70.00
  - 3. Third and each subsequent offense .....\$300.00, waiver fee \$225.00
- C. Operators of ATVs shall be liable, in addition to the penalties above, for damages to Town Highways or other City property caused by the operation of an ATV in violation of this Ordinance.

**SECTION VII. 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.

**SECTION VIII. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Newport City Council and shall supersede and replace all previous ordinances regulating the time, manner, and location of operation of ATVs in the City of Newport. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted at the City of Newport this \_\_\_ day of \_\_\_\_\_ 2019.

NEWPORT CITY COUNCIL

\_\_\_\_\_  
Paul L. Monette, Mayor

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

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

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

\_\_\_\_\_  
Dan Ross

Received and recorded this \_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
James D. Johnson, City Clerk

NOTICE OF ADOPTION OF CITY OF NEWPORT ORDINANCE REGULATING ALL-TERRAIN VEHICLE USE ON TOWN HIGHWAYS

The City Council of the City of Newport does hereby ordain:

Pursuant to the provisions 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), and 23 V.S.A. § 3510, and § 23 of the Charter of the City of Newport, and other such general enactments as may be material thereto, the City Council hereby adopts City of Newport Ordinance No. \_\_\_\_ pertaining to the time, manner, location, and operation of all-terrain vehicles on town highways in the City of Newport.

Adopted this \_\_\_\_ day of \_\_\_\_\_2019.

NEWPORT CITY COUNCIL

\_\_\_\_\_  
Paul L. Monette, Mayor

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

\_\_\_\_\_  
Kevin Charbonneau

\_\_\_\_\_  
Dan Ross

\_\_\_\_\_  
Melissa Petersson

The City of Newport Ordinance No. \_\_\_\_ shall become effective on \_\_\_\_\_, 2019, unless a petition signed by not less than 5% of the qualified voters of the City requesting a City meeting vote on the question of disapproving the Ordinance is filed with the City Clerk on or before \_\_\_\_\_, 2019. The full text of the Ordinance may be viewed at the City Clerk's office.

For more information, contact:

James D. Johnson,  
Newport City Clerk  
222 Main Street  
Newport, VT 05855,  
(802) 334-2112  
[James.Johnson.clerk@newportvermont.org](mailto:James.Johnson.clerk@newportvermont.org),  
<https://www.newportvermont.org/>

	6/30/18		FY18/19		FY18/19		6/30/19	
	Balances	Funds Added	Funds Used	Balances	Funds Added	Funds Used	Balances	
<b>Restricted</b>								
Centennial Celebration	\$ -	\$ -	\$ -	\$ -			\$ -	
Walmart Funds for Economic Development	\$ 100,000.00	\$ 100,000.00	\$ 30,000.00	\$ 170,000.00			\$ 170,000.00	
<b>Committed(Specific Purpose by the council)</b>								
Surplus for future Budget Offset (Tax rate reduction)	\$ 200,000.00	\$ 175,000.00	\$ -	\$ 375,000.00			Committed to offset FY19/20 budget	
Coventry Street Sinking Fund	\$ 87,056.00	\$ 67.00	\$ -	\$ 87,123.00				
Street Resurfacing	\$ 151,522.19	\$ 200,000.00	\$ 319,430.49	\$ 32,091.70				
Main Street Maintenance	\$ -	\$ 28,000.00	\$ 2,939.26	\$ 25,060.74				
Main Street Banners	\$ -	\$ 3,000.00	\$ -	\$ 3,000.00				
Public Works Vehicles	\$ 18,726.00	\$ 110,257.17	\$ 86,840.55	\$ 42,142.62				
Bridge/Culvert/Retaining Wall Repair	\$ 7,500.00	\$ -	\$ 1,142.86	\$ 6,357.14				
Street Reconstruction	\$ 5,218.84	\$ 38,000.00	\$ 12,492.85	\$ 30,725.99				
Reappraisal	\$ 57,943.00	\$ -	\$ 57,943.00	\$ -				
Tennis Court Sinking Fund	\$ 23,788.00	\$ 24.00	\$ -	\$ 23,812.00			Resurfacing done Sept 2019 \$25,557	
Gateway Maintenance	\$ 15,700.00	\$ -	\$ 15,700.00	\$ -			Balance of Gateway Painting Funds	
Prouty Beach Improvements	\$ -	\$ 47,214.52	\$ 12,320.38	\$ 34,894.14				
Gardner Park Improvements	\$ -	\$ 20,000.00	\$ 3,735.99	\$ 16,264.01				
Dock Improvements	\$ -	\$ 30,000.00	\$ 12,468.21	\$ 17,531.79				
Fire Station Renovations	\$ 25,000.00	\$ 25,000.00	\$ 50,000.00	\$ -			already reassigned it to roof (committed)	
Fire Department Communications	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -			needed for communications equipment	
Fire Fighter Grant Cash Match	\$ -	\$ 15,000.00	\$ -	\$ 15,000.00			This is intended as cash match for a fire equipment grant. It has not been used because the grant has not been awarded.	
Gym Floor	\$ 8,000.00	\$ 8,000.00	\$ 16,000.00	\$ -			work completed in 9 2018	
Police Tech Equipment	\$ -	\$ 33,100.00	\$ -	\$ 33,100.00			USDA Radio Grant Matching Funds	
Dispatch Equipment	\$ 32,455.00	\$ 15,239.65	\$ -	\$ 47,694.65				
<b>Restricted/Committed/Assigned</b>	\$ 735,409.03	\$ 847,902.34	\$ 623,513.59	\$ 959,797.78				
<b>Unassigned</b>	\$ 742,721.97	\$ -	\$ 130,867.00	\$ 611,854.97			(NBRC \$240,800 assigned 9/16/19 leaving a balance of \$371,054.97)	
<b>Total Fund Balance</b>	\$ 1,478,131.00	\$ 847,902.34	\$ 754,380.59	\$ 1,571,652.75				
<b>Fund Balance per Audit Draft page 3</b>				<b>\$1,571,653.00</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.								
Unassigned - All amounts not included in other classifications.								