

Council Minutes

April 6, 2020

A duly warned meeting of the Newport City Council was held on Monday, April 6, 2020. The meeting was held by conference call. Attending the meeting remotely were Mayor Paul Monette, Council President Daniel Ross, Council Members Melissa Pettersson, Kevin Charboneau and John Wilson, City Manager Laura Dolgin, City Clerk/Treasurer James Johnson, PW Director Thomas Bernier, Acting Police Chief LT. Travis Bingham, Recreation Director Jessica Booth, Zoning Administrator Charles Elliott, Fire Chief John Harlamert, Rebecca Therrien, Michael Welch, members of the Press and Public.

Mayor Monette read a statement regarding COVID-19 and tonight's meeting (attached)

Mayor Monette called the meeting to order at 6:36 PM and took a roll call of council members present.

Approval of Minutes

Mr. Ross moved to approve the minutes of March 16, 2020. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Charboneau moved to approve the minutes of March 18, 2020. Seconded by Mr. Wilson, motion carried unanimously.

Comments by the Public

Robin Smith asked if the council would be discussing employee working conditions.

Anne Chiarello asked if the City was coordinating food security and if the Niles Fund was available to the public.

Judy Szych asked why the Farmer's Market wasn't on the agenda.

Planning Commission Appointments

Mr. Charboneau moved to appoint Denis Chenette and Christopher Vachon to the Planning Commission. Seconded by Mr. Wilson.

Mr. Wilson asked what the term lengths were. Mr. Johnson felt the lengths of term should be part of the motion.

Mr. Wilson withdrew the second and Mr. Charboneau withdrew the motion.

Mr. Charboneau moved to appoint Denis Chenette to the Planning commission until March 2022 and Christopher Vachon to the Commission until March 2021. Seconded by Mr. Wilson, motion carried unanimously.

911 Update, Street Renaming. (attached)

Mr. Ross moved to change the street names per the memo from Mr. Elliott dated April 6, 2020. Seconded by Mr. Charboneau, motion carried unanimously.

USDA Community Facilities Grant Request (attached)

Mr. Ross moved to approve the request for a \$150,000 USDA Community Facilities Grant for the Waterfront Plaza/US Rte. 5/Gardner Park Intersection. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Charboneau moved to authorize the Mayor to sign the Resolution for the council members and initial each signature. Seconded by Mr. Ross, motion carried unanimously.

USDA Community Facilities Grant Request (attached)

Mr. Charboneau moved to approve the request for a \$16,500 USDA Community Facilities Grant for Fire Dept. Radios. Seconded by Mr. Wilson, motion carried unanimously.

EPA Targeted Brownfields Assessment Application (attached)

Mr. Wilson moved to proceed with the \$40,000 Targeted Brownfields Assessment Application. Seconded by Mr. Charboneau, motion carried unanimously.

Executive Session Under 1 VSA sec 313(a)(2)

None

Conveyance of Property for Prouty Beach Connector Project

Mr. Charboneau moved to approve the request by Vermont Land Trust. Seconded by Mr. Wilson.

Ms. Dolgin suggested a more detailed motion from the City Attorney.

Mr. Wilson withdrew the second, Mr. Charboneau withdrew the motion.

Mr. Charboneau then moved to approve the posting and publication of the notice of sale of Municipal Real Estate for the City's conveyance to Vermont Land Trust, Inc. of (1) permanent easements for the construction, operation, maintenance, repair and replacement of a concrete bridge abutment, bridge and wooden boardwalk pathway on the City's Prouty Beach property, and (2) a temporary construction easement for the construction of a sidewalk along the southerly side of Bluff Road connecting a recreation path to be constructed on Vermont Land Trust's Bluffside Farm property to the crosswalk westerly of the intersection of Bluff Road and Prouty Drive, and to authorize the Mayor to execute the Easement Deed and Temporary Construction Easement Deed conveying the aforesaid easements to Vermont Land Trust, Inc. if no petition is submitted objecting to said conveyance. Seconded by Mr. Wilson, motion carried unanimously.

Authorization to Sign Warrants

Mr. Charboneau moved to authorize the Mayor or Mr. Ross to sign warrants. Seconded by Mr. Wilson, motion carried unanimously.

Gateway Rates & Fees (attached)

Newport Natural LLC's lease at the Gateway expires April 30, 2020. To ensure continuity of service the Recreation Department will be taking over the Gateway operations as of May 1, 2020.

Mr. Ross moved to approve the Gateway rates and fees as presented. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Charboneau moved to leave the Rotary Club at the \$30 per rental rate and to have Ms. Booth write up a MOU recognizing the difference from the standard rate. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Charboneau moved to increase the rental rate for the Weight Watchers Club to \$75 per reservation effective July 1, 2020. Seconded by Mr. Wilson, motion carried unanimously.

Executive Session for Personnel

Ms. Pettersson moved to enter executive session for personnel under 1 VSA sec. 313 (a)(3). Seconded by Mr. Charboneau, motion carried unanimously.

In open session, Mr. Charboneau moved to postpone the appointment of the Chief of Police indefinitely. Seconded by Mr. Wilson, motion carried unanimously.

New Business

Mayor Monette thanked the Health Care workers and the Grocery Store workers for doing their jobs during the COVID-19 Pandemic.

Mr. Wilson asked about changing the Property Tax due date. Ms. Dolgin said the legislature may be working on it. Mr. Johnson stated that the due dates are set by the voters at an Annual Meeting.

Old Business

None

Next Meeting Date

April 20, 2020

Adjournment

Mr. Charboneau moved to adjourn at 8:15 PM. Seconded by Mr. Wilson, motion carried unanimously.

Attested



This 20th Day of April 2020



Mayor

Remote Public Meeting Script for Opening a Meeting

As Mayor and Chair of the Newport City Council, I find that, due to the State of Emergency declared by Governor Scott as a result of the COVID-19 pandemic and pursuant to Addendum 6 to Executive Order 01-20 and Act 92, this public body is authorized to meet electronically.

In accordance with Act 92, there is no physical location to observe and listen contemporaneously to this meeting. However, in accordance with the temporary amendments to the Open Meeting Law, I confirm that we are:

- a) Providing public access to the meeting by telephone, computer and smartphone applications. We are using Free Conference Call for this remote meeting.¹ All members of the City Council have the ability to communicate contemporaneously during this meeting through this platform and the public has access to contemporaneously listen to and participate via this platform.
- b) Providing public notice of instructions for accessing the meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting using telephone, computer and smartphone applications in our posted meeting agenda. Instructions have also been provided on the city website at: <https://www.newportvermont.org>.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please call 802.334.5136; and
- d) Continuing the meeting if necessary. In the event the public is unable to access this meeting, it will be continued to a time and place certain.

Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.

Let's start the meeting by taking a roll call attendance of all members participating in the meeting.

¹ Many public bodies are using video teleconferencing technology, such as GoToMeeting, to ensure the remote meeting complies with the Open Meeting law. If you have any questions about the appropriateness of the technology you are using to conduct your meeting, please consult VLCT's Municipal Assistance Center (MAC) at 1-800-649-7915 or info@vlct.org.

Memo

April 2, 2020

To: Newport City Council

Fr: Charles Elliott, Zoning Administrator

A handwritten signature in black ink, appearing to be 'C. Elliott', written over the text 'Fr: Charles Elliott, Zoning Administrator'.

Re: Planning Commission Member Vacancies

At the Planning Commission meeting on March 24, 2020 the Commission interviewed applicants for the two vacancies on the Planning Commission and Historic Preservation Commission. The commission voted to recommend Dennis Chenette and Christopher Vachon to be appointed to membership on the Planning Commission and Historic Preservation Commissions. One appointment should expire in 2021 and the other in 2022. This fills the vacancies left by Ruth and Woody.

MEMO

April 6, 2020 – City Council Meeting

To: Newport City Council

Fr: Charles Elliott, Zoning Administrator

Re: Road name changes and 9-1-1 renumbering for sections of Paddock Lane and Camp Elizabeth Way

Conclusion of project initiated in August 2019, see attached "Council Minutes, August 19, 2019, pages 1 and 2, reference "911 Update" on top of page 2.

This project was initiated last August as a result of complaints, from property owners living on the roads, of 9-1-1 responders (ambulances) becoming confused and going to the wrong places. This has occurred at least once on each road when responders were called for heart attack victims. Both roads were originally created as loop roads with an entrance on each end. Over time, for different reasons, both roads became blocked in the middle. Paddock Lane was blocked by terrain and wet land issues making the road impassable at that point. This resulted in two dead end roads with separate entrances but with the same name. Camp Elizabeth Way was blocked during the winter months as the road was not plowed all the way through.

Since August, I have been in contact with the property owners, primarily by email. The landowners are seasonal and live outside Vermont except two on Camp Elizabeth Way. We have not only discussed the problems with emergency responder access, potential problems with fire protection and fire engine access were also discussed. Former Fire Chief Jamie LaClair became involved and visited the sites with me. The one issue that Jamie insisted remain is that the Camp Elizabeth Way loop feature must remain to allow one way in-one way out access for fire equipment. He did not see any problem with renaming part of the road, if the continuous uninterrupted loop was maintained. As discussed later, this was agreed to and the loop will be maintained.

Paddock Lane: See attached Map showing final resolution.

Paddock Lane was created as a loop with primary access off Bluff Road and ending on Racetrack Road. The entrance from Bluff Road was retained as Paddock Lane and continues to serve the same three properties. The impassable section in the middle is being deleted from all property maps.

The Paddock Lane access from Racetrack Road serves five properties. The property owners agreed with the changes and were given, by me, the task of finding a new name for their road.

After many emails back and forth they did finally agree that "Lakeside Lane" was a fair compromise for a new name. The name was also reviewed by State 9-1-1 personnel who ran a comparison check, not only for Newport City but neighboring towns, to verify that there was no duplication in road names. They explained that our emergency responders serve more than one municipality and duplicate names can cause confusion. The road was also evaluated for fire truck access and determined that it is ok, there is room for trucks to turn around by properties 29 and 30 and the road is only approximately 300 feet in length.

Camp Elizabeth Way: See attached map showing final resolution.

Camp Elizabeth Way was created as a loop road through a summer camp area. The primary access was from Bigelow Bluff road and exited back on Bigelow Bluff Road a short distance later. This worked fine, except during the winter when the road was not plowed on the north end. This was complicated a bit by the relocation of a section of the road by an individual property owner. This was done without approval from the City prior to 2014. The original deleted section is shown on the map in yellow and the new section in green. A short spur road (Hayes Road) was built off from Camp Elizabeth Way to serve a few properties to the north.

The solution to solve the emergency responder issue was accomplished with three changes. The first was to accept the new relocated section on the north end as the new roadway. The second was to extend the spur road off Camp Elizabeth Way (Hayes Road) to Bigelow Bluff Road. The third change was to terminate Camp Elizabeth Way on the north end at the junction with Hayes Road. These three changes resulted in a single access to Camp Elizabeth Way from Bigelow Bluff Road, eliminating confusion for emergency responders. Second, the year-round residents live near the new primary access to Camp Elizabeth Way from Bigelow Bluff road, which means the road is always plowed in the winter eliminating seasonal issues. It also maintains the loop allowing one-way traffic in and out required by the fire department. This solution is also supported by the property owners affected.

This project has dragged on due to time constraints but primarily the time consumed to communicate with absent property owners to explain the problem, proposed solutions, address their concerns and gain their approval. Also, the fire department and emergency responders had issues to be addressed and with State 9-1-1 concerns and compliance with 9-1-1 system conventions.

Assuming approval by the City Council the changes will be implemented. For the City this will involve four new road signs, Lakeside Lane, Hayes Road, and two Camp Elizabeth Way.

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

April 6, 2020

Rebecca Schrader
USDA-RD
Community Programs Specialist
481 Summer Street
St. Johnsbury, VT 05819

RE: City of Newport – Letter of Commitment – Local Match
USDA-RD Community Facility Grant Program
Waterfront Plaza/USRTE5/Gardner Park Rd Intersection Improvements

Dear Ms. Schrader,

On behalf of the City of Newport, VT, I would like to affirm the City's financial commitment to the Intersection Improvements proposed for the Waterfront Plaza/USRTE5/Gardner Park Road Intersection in Newport, VT.

The total estimated project cost:	\$613,500
Northern Boarder Regional Commission Grant Award	\$250,000 (41%)
USDA Community Facility Grant Request	\$150,000 (24.5%)
Newport In-Kind Equipment/Labor	\$ 35,000 (5.5%)
Newport Cash DPW Operating & Reserve	<u>\$178,500</u> (29%)

USDA-CF Grant Funds = 24.5%; Remaining Match all Sources = 75.5%

The City of Newport, VT commits to Local Cash Match (\$178,500) and In-Kind Match (\$35,000) toward the completion of this project, by vote of the City Council at their April 6, 2020 meeting. The source of Local Cash Match is the Department of Public Works operating budget, and reserve funds designated for public works improvements.

Respectfully submitted,

Laura F. Dolgin
Newport City Manager

ld

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City of Newport
 222 Main Street
 Newport, Vermont 05855
www.newportvermont.org

RESOLUTION

The Newport City Council, at their meeting held on Monday, April 6, 2020 by a majority vote of the council members authorized City Manager, Laura Dolgin, to submit and sign any and all forms relevant to the submission and award of a \$150,000 USDA Community Facilities grant application for upgrades to the intersection at Waterfront Plaza/US Route 5/Gardner Park Road. Improvements to include: replacement of traffic signals, intersection realignment, pedestrian improvements, and conduit for linking of traffic control signals at the I-91 Access Road, and at East Main Street/Union Street. The total estimated project cost is \$613,500. The City has been awarded a \$250,000 Northern Border Regional Commission Grant. The remaining local match of \$213,500 will come from the Department of Public Works Operating Budget, in-kind match of labor/equipment and Committed funds allocated for highway improvements.

Newport City Council

Paul Monette

Paul Monette, Mayor

Dan Ross PCM

Dan Ross, Council President

Kevin Charboneau PCM

Kevin Charboneau

Melissa Pettersson PCM

Melissa Pettersson

John A. Wilson PCM

John A. Wilson

Dated Monday, April 6, 2020

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334-3891
City Clerk / Treasurer..... 334-2112
334-3892
Public Works..... 334-2124
Zoning Adm. / Assessor..... 334-6992
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Fax..... 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855

CERTIFIED RESOLUTION

The undersigned, James D. Johnson, City Clerk/Treasurer of the City of Newport, Vermont, hereby certifies as follows:

That at a meeting of the Newport City Council, duly warned and held on the 6th day of April, 2020, with a quorum present at all times, the following resolution was adopted by the affirmative vote of a majority of said City Councilors; and that said resolution has not been rescinded or amended in any way.

RESOLVED: The Newport City Council, at their meeting held on Monday, April 6, 2020 by a majority vote of the council members authorized City Manager, Laura Dolgin, to submit and sign any and all forms relevant to the submission and award of a \$150,000 USDA Community Facilities grant application for upgrades to the intersection at Waterfront Plaza/US Route 5/Gardner Park Road. Improvements to include: replacement of traffic signals, intersection realignment, pedestrian improvements, and conduit for linking of traffic control signals at the I-91 Access Road, and at East Main Street/Union Street. The total estimated project cost is \$613,500. The City has been awarded a \$250,000 Northern Border Regional Commission Grant. The remaining local match of \$213,500 will come from the Department of Public Works Operating Budget, in-kind match of labor/equipment and reserve funds allocated for highway improvements.

Dated at Newport, Vermont this 6th day of April, 2020.

City of Newport, Vermont

By: _____

James D. Johnson
City Clerk/Treasurer

City Manager..... (802) 334-5136
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April 6, 2020

Rebecca Schrader
USDA-RD
Community Programs Specialist
481 Summer Street
St. Johnsbury, VT 05819

RE: City of Newport – Letter of Commitment – Local Match
USDA-RD Community Facility Grant Program
Newport Fire Department – Portable Radios & Mobile Repeaters

Dear Ms. Schrader,

On behalf of the City of Newport, VT, I would like to affirm the City's financial commitment for Newport City Fire Department purchase of Portable Radios and Mobile Repeaters.

The total estimated project cost:	\$30,000
USDA Community Facility Grant Request	\$16,500 (55%)
Newport Cash Fire Dept. Operating & Reserve	<u>\$13,500</u> (45%)

The City of Newport, VT committed to a local cash match of \$13,500.00 to meet the total costs of \$30,000, by the vote of authorization of the City Council at their April 6, 2020 meeting. The source of the local cash match is the Fire Department Operating Budget, and the Committed Funds designated for grant match.

Respectfully submitted,

Laura F. Dolgin
Newport City Manager

ld

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City Clerk / Treasurer..... 334-2112
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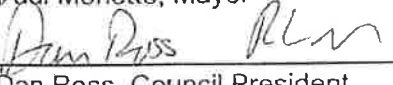
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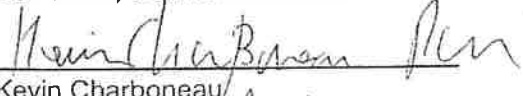
RESOLUTION

The Newport City Council, at their meeting held on Monday, April 6, 2020 by a majority vote of the council members authorized City Manager, Laura Dolgin, to submit and sign any and all forms relevant to the submission and award of up to \$16,500 from a USDA Community Facilities grant application for upgrades to the Fire Department portable radios and vehicle repeaters total estimated project cost of \$30,000. The required \$13,500 match will come from the Fire Department Operating Budget and the Committed Funds allocated for the Fire Department grant match.

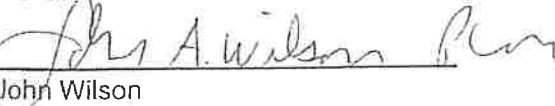

Newport City Council

Paul Monette, Mayor


Dan Ross, Council President


Kevin Charboneau


Melissa Pettersson


John Wilson

Dated Monday, April 6, 2020

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RESOLVED: The Newport City Council, at their meeting held on Monday, April 6, 2020 by a majority vote of the council members authorized City Manager, Laura Dolgin, to submit and sign any and all forms relevant to the submission and award of up to \$16,500 from a USDA Community Facilities grant application for upgrades to the Fire Department portable radios and vehicle repeaters total estimated project cost of \$30,000. The required \$13,500 match will come from the Fire Department Operating Budget and reserve funds allocated for Fire Department grant match.

Dated at Newport, Vermont this 6th day of April, 2020.

City of Newport, Vermont

By: James D. Johnson
James D. Johnson
City Clerk/Treasurer

MEMO

To: Newport City Council
Paul Monette, Mayor
Laura Dolgin, City Manager

From: Jessica Booth, Parks & Recreation Director 

Date: April 3, 2020

Re: Gardner Memorial Park Environmental Study Update/ EPA Brownfields Targeted Assessment Application

The Gardner Memorial Park Playground and Splashpad Project is progressing into the permitting and design phase, which includes a thorough Environmental Site Assessment. Given the less glamorous historic land use of the property as a landfill, we expected that some environmental challenges would arise as the project moves closer to implementation. While the property has been active with recreation use for decades, acknowledging the past and being proactive to eliminate possible health risk is necessary to future users of the space when work is complete. Better understanding of soil contaminants may add complexity in the short-term, but also represents an opportunity to learn more about environmental conditions at our park and how we can improve this important community asset for the enjoyment of future generations.

The first step was a Phase I Environmental Site Assessment conducted by Stantec Consulting Services completed in September 2019. Their report concluded that the undocumented fill materials used to develop the Park in the 1930's and the potential dumping that occurred there prior, were environmental issues of concern. Stantec also suggested that the WasteWater Treatment Plant and Newport Car Wash were also areas of concern due to the potential presence of hazardous substances generated at these off-site facilities, and their ability to impact groundwater at the Park.

These findings prompted a limited Phase II Environmental Site Assessment which included field work to assess soil and water quality near the playground and skate shack. Results from samples taken in eight locations indicated the presence of the following:

- elevated arsenic concentrations in shallow soil (0-1 feet) at most sampled locations in the playground area
- elevated lead in soil at a depth of 8-9 feet at one sampled location in the playground
- elevated concentrations of arsenic at all four groundwater test locations
- elevated levels of naphthalene (a typical component of petroleum) at three of the four groundwater test locations
- elevated PFAS at one groundwater location

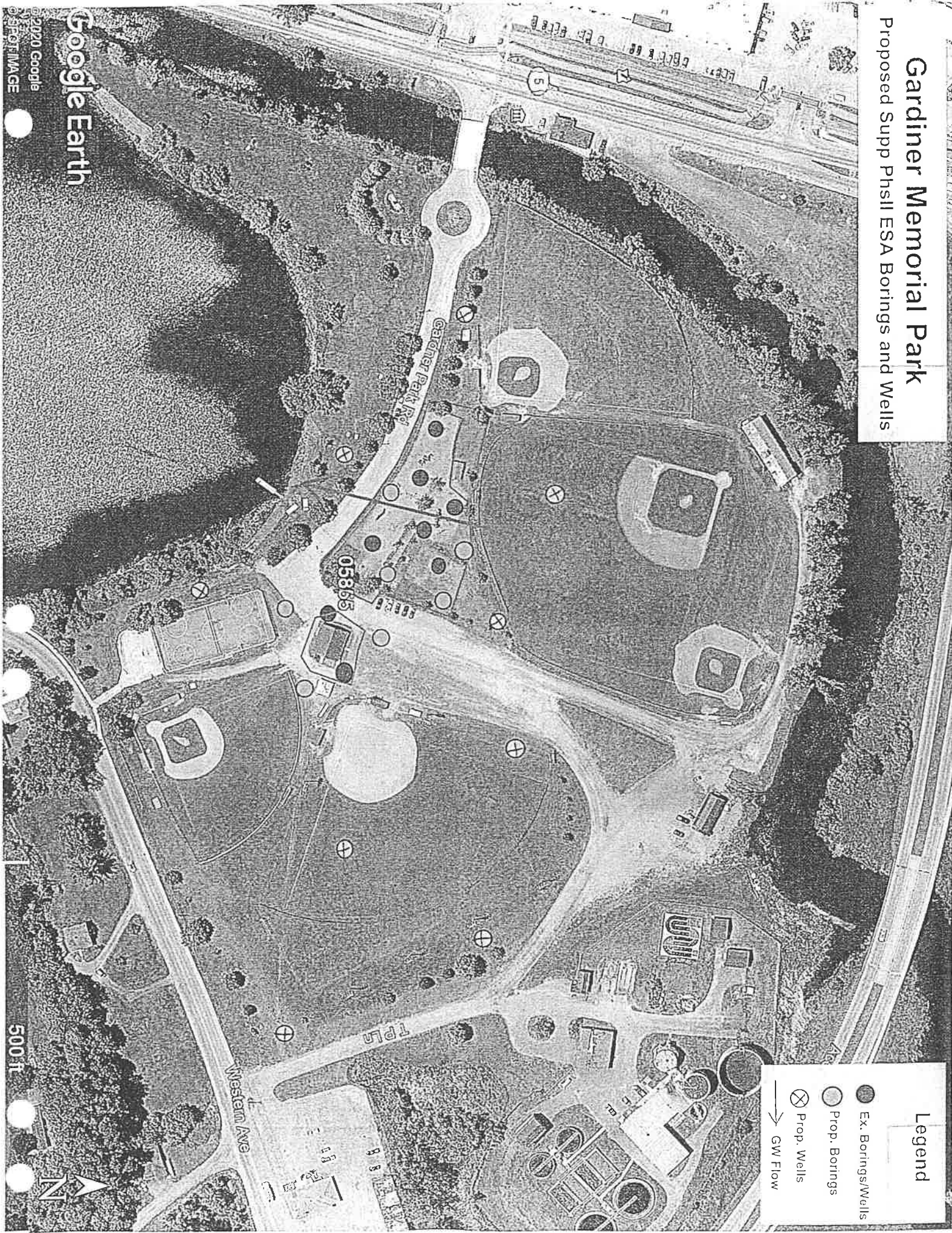
The report confirmed that possible sources of these contaminants included the previously placed fill at the site (metals, naphthalene, etc.) and the nearby Newport Wastewater Treatment Plant and the Newport Car Wash. Because the full extent of the soil and groundwater impacts could not be defined through initial testing, additional soil and groundwater sampling in other areas of the Park is now required before appropriate pre-construction mitigation measures can be evaluated.

The next step in the testing process will be to conduct a Supplemental Phase II Environmental Site Assessment that includes seven additional soil and nine additional water testing sites around the playground and surrounding ballfields. A \$50,000 cost estimate for the work has been provided by Stantec which includes field testing and proposed remediation recommendations that will be required as part of a Corrective Action Plan for the State of Vermont.

The additional testing represents an unanticipated project expense. NVDA has helped us identify two potential funding opportunities; the VT DEC's Brownfields Response Program and the EPA Brownfields Targeted Assessment Grant. There are no matching funds required for the EPA grant. At this time, we are requesting authorization to proceed with the Brownfields Targeted Assessment Grant Application. If awarded, assessment work could be underway in June, barring no COVID-19 surprises.

Gardiner Memorial Park

Proposed Supp Phsil ESA Borings and Wells



Legend

- Ex. Borings/Wells
- Prop. Borings
- ⊗ Prop. Wells
- GW Flow

Google Earth

© 2020 Google
© 2020 IMAGE

500 ft



MEMO

To: Newport City Council
Paul Monette, Mayor
Laura Dolgin, City Manager, James Johnson, City Clerk/Treasurer
From: Jessica Booth, Parks & Recreation Director 
Date: April 1, 2020
Re: 2020 Rates Addendum - Gateway Center

Newport Natural LLC's five year lease at the Gateway Center expires on April 31st. To ensure continuity of service for the community, Parks & Recreation will resume duties to handle the reservation and maintenance of the facility beginning May 1. The following rates are recommend:

Wedding & Events (60+ Guests)

\$400 - 1st Floor
\$400 - 2nd Floor
\$600 - Whole Building

4 Hours (includes set-up and break down) Meetings & Small Parties (60 Guests or less)

\$125 - 1st Floor
\$125 - 2nd Floor
\$200 - Whole Building

Full Day Meetings & Small Parties (60 Guests or less)

\$200 - 1st Floor
\$200 - 2nd Floor
\$300 - Whole Building

Kitchen Use - \$100

Dance Floor - \$100

RECURRING RESERVATIONS

Weight Watchers - The Newport WW club meets every Thursday from 4-8PM at the Gateway Center. They are currently paying \$67 per reservation, which has remained the same for over five years. If the above rates are adopted, their fee would increase to \$75 per reservation after applying the standard 40% bulk discount for 25 bookings or more.

The Rotary Club of Newport - Rotary occupies the Gateway Center on Tuesday afternoons from 10AM-2PM for weekly meetings. They are currently paying \$1,500 per year, which breaks down to about \$30 per rental. Actual expenses for staff time to set up and break down equates to approximately \$50 per week. The Rotary Club has made contributions to the Gateway facility in the past, including a much appreciated donation to fund the elevator back in the late 1990's. To recognize the contribution, the Council may decide to keep the \$30 rate, or increase fees to cover some or all the cost for staff time. Whatever the Council decides, it would be helpful to have a separate MOU recognizing a difference from the standard rates and fees schedule.

Memphremagog Community Maritime (MCM) - We are reviewing a request from MCM to rent the second floor of the Gateway building for the entire 2020 season, and will follow up with the Council at a later meeting.