

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

Newport City Council Meeting

Regular Meeting Agenda

Monday, May 18, 2020, beginning at 6:30 p.m.

REMOTE MEETING

The Municipal Building is Closed as part of the Stay Home/Stay Safe Measures

In Order to Participate Remotely:

Phone 1- (978) 990-5000 and enter PIN: 185354#

or

by Computer go to <https://freeconferencecall.com> and join the meeting by using id:
cityofnewportremote

City Council: Paul Monette, Mayor
Dan Ross, Council President
Kevin Charboneau
Melissa Pettersson
John Wilson

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

1. Call the Regular Council Meeting to Order
2. Approve Minutes of May 4, 2020
3. Comments by Members of the Public
4. ATV MOU, Vote
 - a. Amend Section IV. B. Western Ave to access East Main St. as far as the intersection of East Main and Sias Ave; to include access to all the Cumberland Farms driveways, and allow access to 1724 East Main St.;
 - b. Amend Section IV D. Union St. to Landing St. (not Lake St.) as far as access to 47 Landing St.
 - c. Add to Section IV. F. Union St., to Bluff Road, to Freeman St., to Veterans Ave., to access Prouty Beach
5. Executive Session for Interview of Police Chief Candidate, 1 VSA (313)(3)(a)(3)
6. Police Chief Appointment, Vote
7. New Business
8. Old Business
9. Set next meeting: next Regularly Scheduled Council Meeting: June 1, 2020 @ 6:30pm
10. Adjourn

Non-confidential Materials Pertaining to this Agenda are Available for Viewing & Download on the City's Website at <https://www.newportvermont.org/> Commencing at 9:00 a.m., the Morning of the Meeting.

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, April 1, 2019, and again on March 16, 2020.

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 ensure 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 March 16, 2020.
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

May 4, 2020

DRAFT

A duly warned meeting of the Newport City Council was held on Monday, May 4, 2020. The meeting was held remotely. Present at the meeting were Mayor Paul Monette, Council President Danial Ross, Council Members Melissa Pettersson, Kevin Charboneau and John Wilson, City Manager Laura Dolgin, City Clerk/Treasurer James Johnson, PW Director Tom Bernier, Fire Chief John Harlamert, Rebecca Therrien, Jessica Booth, Eleanor Leger, members of the Press and Public.

Mayor Monette opened the meeting at 6:30 PM. And conducted a Roll Call of council members present.

Approval of Minutes

Mr. Wilson moved to approve the minutes of April 20, 2020. Seconded by Mr. Ross, motion carried unanimously.

Mr. Ross moved to approve the minutes of April 22, 2020. Seconded by Mr. Wilson, motion carried unanimously.

Comments by the Public

Pam Ladds asked when the documents regarding Chief DiSanto would be released. Mayor Monette stated the documents had been released to the press and she could request a copy from him or the City Manager.

Request for Tax Stabilization, Eleanor Leger of the Tasting Center.

Mr. Ross moved to approve the Tax Stabilization request. Seconded by Mr. Wilson, motion carried unanimously.

Annual Adoption of Roads & Bridges Standards

Mr. Charboneau moved to approve the Annual Roads & Bridges Standards and authorized the Mayor to sign on the council's behalf. Seconded by Mr. Ross, motion carried unanimously.

Authorize Extension of Time to Complete Assessor Work 32VSA 4342

Mr. Charboneau moved to authorize the extension of time to complete work relating to the duties of the Assessor per the memo dated April 14, 2020. Seconded by Mr. Wilson, motion carried unanimously.

DRAFT

Update Police Chief Job Description

Mr. Ross moved to approve the updated Police Chief's Job Description. Seconded by Mr. Charboneau, motion carried unanimously.

New Business

Mayor Monette thanked the people involved with the Food Drop on May 1, 2020

Mr. Wilson asked the status of the Coin Drops in May and June. Ms. Dolgin stated that the VFW Auxiliary drop in May will likely be cancelled and she will have to check with the Rec. Dept. on their drop in June.

Old Business

None

Next Meeting Date

May 18, 2020

Adjournment

Mr. Charboneau moved to adjourn at 7:00 PM. Seconded by Mr. Wilson, motion carried unanimously.

Attested _____ This _____ Day of May 2020

Mayor



Newport City Police Department
222 Main Street
Newport, VT 05855



Act. Chief Travis R. Bingham
travis.bingham@newportpd.org
Tel. #: (802) 334-6733
Fax #: (802) 334-2818

To: City Council; Jim Johnson City Clerk, Laura Dolgin, City Manager
From: Acting Chief Travis R. Bingham
Date: May 14, 2020

Regarding: ATV Ordinance #120 - Specificity to Access Prouty Beach Campground

In reference to the ATV ordinance I would suggest an amendment to the ordinance to include a route to access Prouty Beach. I do appreciate the proposed route, however the route I am suggesting is for enforcement and public safety: Union Street to Bluff Road, Bluff Road to Freeman Street, Freeman Street to Veterans Avenue and into Prouty Beach Campground. Freeman Street is a VAST route and is already well known by recreational enthusiasts and I would prefer the same route for VASA. I also would recommend the route stay away from the Veterans Avenue section of road that is between the two high school soccer fields. During school sports both fields are very active with soccer games and practices.

Respectfully,

Acting Chief Travis R. Bingham

LANDOWNER PERMISSION FORM



VERMONT ATV SPORTSMAN'S ASSOCIATION, INC.

14 Don Camp Drive, Barre VT 05641
(802) 477-5075

Landowner hereby consents and grants permission to the Vermont ATV Sportsman's Association, Inc. (VASA) and its' duly registered members, to use and maintain an ATV trail or trails for the operation of ATVs upon Landowners property located in the county of: _____, and further described.

| | | | |
|------------------------------|--------------|------------|--|
| Property Information: | | | |
| Name: _____ | | | |
| Address: _____ | | | |
| City: _____ | State: _____ | Zip: _____ | |
| Total Trail Mileage: _____ | | | |

| | | | |
|-------------------------------|--------------|------------|--|
| Landowner Information: | | | |
| Name: _____ | | | |
| Address: _____ | | | |
| City: _____ | State: _____ | Zip: _____ | |
| Telephone: (d) _____ | (e) _____ | | |
| E-Mail: _____ | | | |

The ATV trail(s) shall be established and maintained in an area acceptable and agreeable to the landowner. No construction or major maintenance shall occur without the landowner's permission.

| |
|--|
| Permission is granted to (VASA Club) _____ from (mm/dd/yy) _____ (mm/dd/yy) _____ and is subject to the additional terms and conditions listed below. If none please enter "NONE". _____ _____ _____ |
|--|

VASA agrees to maintain a policy of trails liability insurance with a policy limit of \$1,000,000.00 covering the Landowner as an additional insured. Neither this permission nor any use or the trail established pursuant to this permission shall, under any circumstances, entitle VASA, or any members of the club to claim any dedication, any right of adverse possession, any prescriptive easement, or any similar right with respect to any portion of the landowner's property.

| <u>VASA</u> | <u>Landowner</u> | <u>Witness</u> |
|---|---|---|
| x _____ Printed Name | x _____ Printed Name | x _____ |
| _____ Signature of duly authorized agent of VASA | _____ Signature of Landowner or authorized agent | _____ Signature of duly authorized agent of VASA |
| _____ Phone Number | _____ Date | _____ Phone Number |

**CITY OF NEWPORT
ORDINANCE # 120 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 in both directions: ([Road name] from (street address/intersection) to (street address/intersection)).

- A. Highland Ave to Third St., Third St. to Main St., Main St. over the Veterans Memorial Bridge to access the Glenn Road, and to access Western Ave.
- B. Western Ave to access East Main as far as the intersection of East Main and Sias Ave.
- C. Main St. to the Causeway to include Union St. to access the Public Works Garage for a Trail Head,
- D. Union St. to Lake St.,

- E. Main St. to Coventry St to allow access to a Trail Head at the Recycling Center.
- F. From the Causeway up East Main St. as far as the intersection of Sias Ave and Western Avenue.
- G. **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 10:00 P.M. and 8:00 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.

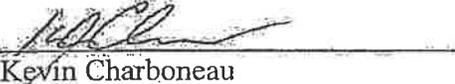
Adopted at the City of Newport this 21 day of October 2019.

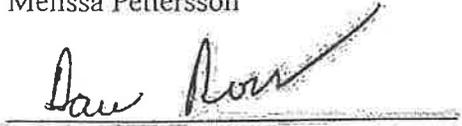
NEWPORT CITY COUNCIL


Paul L. Monette, Mayor

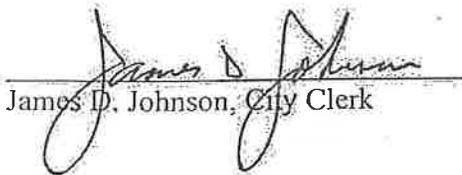
Julie Raboin


Melissa Pettersson


Kevin Charboneau


Dan Ross

Received and recorded this 22nd day of October 2019.


James D. Johnson, City Clerk