

Council Minutes

May 18, 2020

A duly warned meeting of the Newport City Council was held on Monday, May 18, 2020. Attending the meeting remotely were Mayor Paul Monette, Council President Daniel Ross, Council Members Melissa Pettersson, Kevin Charboneau and John Wilson, Laura Dolgin City Manager, James Johnson City Clerk/Treasurer, Fire Chief John Harlamert, Police Lt. Travis Bingham, members of the Press and Public.

Mayor Monette called the meeting to order at 6:38 PM.

Mayor Monette called the roll call, Mr. Ross, Mr. Charboneau, Ms. Pettersson, Mr. Wilson, Ms. Dolgin City Manager, Mr. Johnson City Clerk/Treasurer, Chief Harlamert and Lt. Bingham were present.

Approval of Minutes

Mr. Charboneau moved to approve the minutes of May 4, 2020. Seconded by Mr. Ross, motion carried unanimously.

Comments by the Public

None

ATV MOU (attached)

Lt. Bingham reported that the police dept had three complaint over the inaugural weekend. One on Saturday which the officers took care of. Two on Sunday that were unfounded, one on Prouty Dr. and one on Freeman St. officers believe they were headed to Prouty Beach.

The effect of the ATV's on local business compiled by Jim Davis from Newport City Downtown Development Corp. is attached.

Mr. Charboneau moved to approve the ATV MOU as stated. Seconded by Mr. Wilson, motion carried unanimously.

Executive session for Interview of Police Chief Candidate

Ms. Pettersson moved to enter executive session per1 VSA (313) (3) (a) (3). Seconded by Mr. Wilson, motion carried unanimously.

Police Chief Appointment

Mr. Charboneau moved to appoint Travis Bingham Chief of Police effective immediately. Seconded by Mr. Wilson, motion carried unanimously.

New Business

None

Old Business

None

Next Meeting Date

Monday June 1, 2020

Adjournment

Mr. Charboneau moved to adjourn at 7:39 PM. Seconded by Ms. Pettersson, motion carried unanimously.

Attested James Johnson this 4 day of June 2020

[Signature]
Mayor

Land Owner Permission Form
VASA

May 18, 2020 - May 18, 2021

Approved as follows:

The following Town Highways shall be open to ATV traffic in both directions:

- A. Highland Ave to Pleasant St. to Third St. to Main St., Main St. over the Veteran's Memorial Bridge to access Glenn Road, and to access Western Ave.
- 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 on East Main St. going east up to the Newport City boundary.
- C. Main St. to Causeway to include Union St. to access the Public Works Garage for a Trail Head.
- D. Union St. to Landing St. as far as access to 47 Landing St., also currently known as The Eastside Restaurant.
- E. Main St. to Coventry St. to allow access to a trailhead at the Recycling Center.
- F. From the Causeway Up East Main St. going east up to the Newport City Boundary.
- G. Union St. to Bluff Road, to Freeman St., to Veteran's Ave., to access Prouty Beach.

**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.

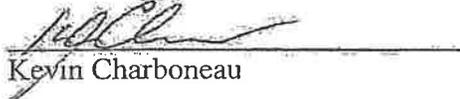
Adopted at the City of Newport this 21 day of October 2019.

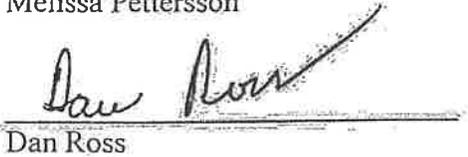
NEWPORT CITY COUNCIL


Paul L. Monette, Mayor

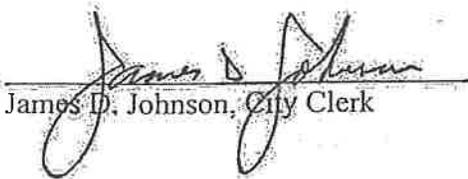
Julie Raboin


Melissa Pettersson


Kevin Charboneau


Dan Ross

Received and recorded this 22nd day of October 2019.


James D. Johnson, City Clerk



James Johnson <james.johnson.clerk@newportvermont.org>

Fwd: ATV Impact this Weekend

Laura Dolgin <laura.dolgin@newportvermont.org>

Mon, May 18, 2020 at 1:42 PM

To: Paul Monette <Paul.Monette@newportvermont.org>, Melissa Pettersson <melissa.pettersson@newportvermont.org>, "John A. Wilson" <johnwilson@newportvermont.org>, Kevin Charboneau <Kevin.Charboneau@newportvermont.org>, Dan Ross <Dan.Ross@newportvermont.org>

Cc: James Johnson <james.johnson.clerk@newportvermont.org>, Travis Bingham <travis.bingham@newportpd.org>, Jessica Booth <jbooth@newportrecreation.org>, Thomas Bernier <thomas.bernier@newportvermont.org>, John Harlamert <john.harlamert@newportvermont.org>

fyi - a quick glimpse of monetary impact of atv's.....

Laura Dolgin, City Manager

City of Newport

222 Main St.

Newport, Vt. 05855

(802) 334-5136

Please note that this email message, along with any response or reply, is considered a public record, and thus, subject to disclosure under the Vermont Public Records Law ([1 V.S.A. §§ 315-320](#)).

Thank You.

----- Forwarded message -----

From: **Newport City Renaissance Corporation** <newportdowntowndevelopment@gmail.com>

Date: Mon, May 18, 2020 at 1:12 PM

Subject: ATV Impact this Weekend

To: Dolgin Laura <laura.dolgin@newportvermont.org>

Cc: Welch Mike <mwelch@ncic.org>, Wright Steve <swright@jaypeakresort.com>, Tetreault Richard <Richard.Tetreault@wsp.com>, Pellerin Daniel <daniel.pellerin@edwardjones.com>, Bellavance Conrad <fphsafety@comcast.net>, Daigle Jennifer <Jdaigle@communitynationalbank.com>

Laura,

I have met or reached out to various businesses in the Newport designated downtown today to get a sense of the impact of recent ATV traffic. This was not a formal survey; the data or information is very informal. I talked to owners and staff who were present during the weekend. The impact was greatest in restaurants and gas stations. It had limited impact on general stores providing essential and non-essential items. Here is a simple list from these conversations. It will give you a sense of the impact ATV's are already having on Newport:

Maplefields/Irvings - over 50% of the gas sold on Saturday was to ATV traffic.

Amato's - saw a modest 10% increase in sales directly related to gas purchases from ATV traffic.

TBar/Hoagies - about a 15% increase in business over the weekend.

Domino's Pizza - really busy was the quote. No actual number and not sure it was related to ATV traffic.

Wendy's - extremely busy Friday, Saturday and even Sunday. Their parking lot was full with ATV's. They were excited by the ATV traffic.

Pick & Shovel - no impact on the store...major impact on the ice cream business. ATV's were park all over the place to stop and get ice cream over the weekend.

Vista Market - no increase in business sales.

Walgreens - a really good weekend for a non-holiday weekend. Directly related to the traffic of ATV's in the shopping center according to the manager.

The Great Outdoors - saw at least a 10% increase over the weekend. Noticed some business came from the ATV's stopping at Hoagies and Wendy's. Feel the ATV's will bring additional business as the season continues.

The UPS - good weekend. Not sure it could directly correlate to ATV traffic. But business had increased.
Inspired Yoga - no impact. Not related to the yoga business.

This is just some of the responses to our downtown businesses. It already appears to have an impact. And the sense I got from staff and businesses alike is excitement about ATV's coming into town. Most felt it will help grow customer traffic. A very positive sign for the first weekend.

All the best,

Jim Davis

Newport City Renaissance Corporation

194 Main Street, Suite 304

Newport, Vermont 05855

C: (802) 334-0599

The NCRC office has reopened for staff only and is following the governor's guidelines for social distancing. The office will remain closed to the public until further notice. Please email or call and we will respond as soon as possible. Thank you!

www.DiscoverNewportVT.com