

Council Minutes

May 3, 2021

A duly warned meeting of the Newport City Council was held remotely on Monday, May 3, 2021. Participating in the meeting were Mayor Paul Monette, Council President Melissa Pettersson, Council Members John Wilson, Chris Vachon, and Kevin Charboneau, City Manager Laura Dolgin, City Clerk/Treasurer James Johnson, FD Chief John Harlamert, PW Director Tom Bernier, Rec. Director Jessica Booth, Zoning Administrator Erik Voegtlin, PD Chief Travis Bingham, Program Administrator Rebecca Therrien, members of the Press and Public.

Mayor Monette called the meeting to order at 6:30 PM.

Public Hearing on Newport City Five Year Capital Plan

There were no questions or comments from the City Council or the public.

Approval of Minutes

Mr. Vachon moved to approve the minutes of April 19, 2021. Seconded by Mr. Wilson, motion carried unanimously.

Comments by the Public.

None

Planning Commission Member Recommendation

Ms. Pettersson moved to appoint Carole O'Connell to the Planning Commission. Seconded by Mr. Charboneau, motion carried unanimously. Her term expires in 2023.

Newport City Five Year Capital Plan (attached)

Ms. Pettersson moved to approve the Newport City Five Year Capital Plan. Seconded by Mr. Vachon, motion carried unanimously.

Renewal of ANR's Delegation to the City to Regulate the Mooring of Vessels (attached)

Mr. Charboneau move to submit for renewal ANR's delegation to the City to regulate the mooring of vessels. Seconded by Mr. Vachon.

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

Mr. Charboneau moved to approve the City's filing of a petition for rulemaking with the Agency of Natural Resources (ANR) for renewal of ANR's delegation of authority to the City of Newport to regulate the mooring of vessels on portions of public waters within the City's boundaries, like Lake Memphremagog, the Clyde River and the Black River, pursuant to 10 V.S.A. sec. 1424(f). Seconded by Mr. Vachon, motion carried unanimously.

Annual Financial Plan for Town Highways, Class 1, 2 and 3 Roads. (attached)

Mr. Vachon moved to approve the Annual Financial Plan for Town Highways. Seconded by Ms. Pettersson, motion carried unanimously.

New Business

Mayor Monette announced that the City received a grant in the amount of \$90,500 for new light poles on Main St. from the Downtown Transportation Fund.

Old Business

None

Next Meeting Date

May 17, 2021 at 6:30 PM. The meeting will be held remotely.

Adjournment

Mr. Charboneau moved to adjourn at 6:57 PM. Seconded by Ms. Pettersson, motion carried unanimously.

Attested _____ This _____ Day of May 2021



Mayor

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS

TA-60

19 V.S.A. § 306(j)

(page 2)

We, the Legislative Body of the Municipality of Newport City certify that funds raised by municipal taxes are equivalent to or greater than a sum of at least **\$300.00** per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)



Date: May 3, 2021

Melissa Peterson

John A Wilson

Christopher R Deak

(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

District Transportation Administrator

Date: _____

**Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory**

We, the Legislative Body of the Municipality of Newport City certify that we have reviewed, understand and comply with the Town Road and Bridge Standards / Public Works Specifications and Standards passed and adopted by the Selectboard / City Council / Village Board of Trustees on May 3, 2021.

We further certify that our adopted standards do do not meet or exceed the minimum requirements included in the June 5, 2019 State-approved template.

We further certify that we do do not have an up-to-date highway network inventory which identifies location, size, deficiencies/condition of roads, bridges, causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town highways, and estimated cost of repair.



Date: May 3, 2021

Melissa Peterson

John A. Wilson

Christina Vance

(Duly Authorized Administrator)

For a summary of your community's road and bridge information please visit: tinyurl.com/rdsinfo



Newport City Five Year Capital Investment Plan
City of Newport, Vt.
2021 - 2026

Public Hearing # 1 April 19, 2021 @ 6:30 p.m.

Public Hearing #2 May 3, 2021 @ 6:30 p.m.

Adopted on May 3, 2021 by a majority of the City Council.

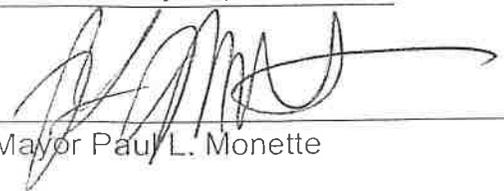
Adoption Process Overview:

Per Title 24, Chapter 117, Section 4385

- (a) Not less than 30 nor more than 120 days after a proposed plan is submitted to the legislative body of a municipality under section 4384, the legislative body of a municipality with a population of more than 2500 persons shall hold two or more such hearings. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the plan or amendment.
- (b) The legislative body may change the proposed plan or amendment, but shall not do so less than 15 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning or extent of the proposed plan or amendment, it shall warn a new public hearing under subsection (a) of this section. If any part of the proposal is changed, the legislative body, at least 15 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality, with any individual or organization requesting a copy in writing, and with the planning commission.
- (c) The plan shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing.

Adopted by a majority of the Newport City Council after a duly held public hearing on

May 3, 2021

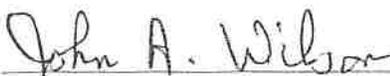


Mayor Paul L. Monette

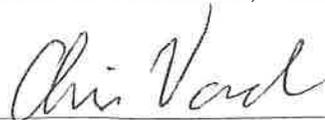
Kevin Charboneau



Council President, Melissa Pettersson



John Wilson



Chris Vachon

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Enterprise Funds Revenue & Debt

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Newport Parks & Recreation Capital Plan Project Outline

Newport City Five Year Capital Budget Program

Introduction:

The Vermont Planning and Development Act (24 VSA Chapter 117) specifically authorizes municipalities to adopt capital budgets and programs (88 4402,4443). Capital budgets and programs allow municipalities to prioritize capital expenditures over a specific period, thereby establishing a schedule of investments. A Capital Program is a plan of capital projects proposed to be undertaken during each year of a five year period, the estimated costs, and the proposed method of finance. The City of Newport's Five-Year Capital Improvement Plan (The Plan) is generated with input from each Department Head and reasonably coincides with the Waterfront and Downtown Master Plan. The goal is to maintain and physically improve the City's infrastructure, equipment, usability, and beautification, while continuing to meet all state and federal mandates in a cost-effective way.

This Five-Year Capital Improvement Plan helps us anticipate long term financial and physical impacts. The annual operating budget provides for expenditures and revenues for a one-year period and is closely integrated with, and complementary to, this Plan.

The benefits of having a Five-Year Capital Investment Plan is that It serves as a long-range working document for planning and is subject to changing conditions and needs. The Plan is arranged to reflect the order of priority of each capital project within each department. It provides an additional layer of management control in identifying capital needs and goals and helps establish priorities. It helps stabilize public expectations and expenses for improvements and can assist city officials in acting timely.

The City Council will review, may modify, and adopt this Plan. The City Planning Commission and interested citizens may also provide input to the Council before adoption. While the Planning Commission does not adopt the Plan, they may review it towards consistency with the City Municipal Plan.

Citizens may comment during two public hearings. The first public hearing will be held on Monday, April 19, at 6:30 p.m., and the second Public Hearing will be held on Monday, May 3, 2021 at 6:30 p.m. The Plan shall be adopted by a majority of the members of the City Council at a meeting held after the final public hearing (24 VSA 4385). The adoption of the plan does not approve any of the projects or authorize

the expenditure of any funds. A copy of this proposed Plan is available in the Clerk/Treasurer's office for review and on our website.

Many of the projects and/or equipment in this program are likely to be funded by sources other than the General Fund Operating Budget. The City has actively engaged in grant application programs.

For the first time, the City has a multi year plan targeting the Waterfront, various main intersections, and Main St. Improvements, called the Waterfront & Downtown Master Plan. This plan is available in the City Clerk/Treasurer's office for review, or on the City's website in our Downtown Development Documents.

The Waterfront & Downtown Master Plan breaks the city into sections and chunks projects into priority areas. It includes a timetable, assigns a likely champion for each project, and suggests plausible funding sources. In an effort to meet the Waterfront and Downtown Master plan outcomes, the City has further received a USDA Rural Communities Development Initiative (RCDI) grant. This grant allows us to work with professionals from Northern Vt. Communities Investment Corp (NCIC) as well as Northeastern Vermont Development Association (NVDA), to increase our grant filing capacity in order to see projects through in a cost effective and timely manner. While grants can be labor intensive, often the costs savings to the taxpayer and project completion accountability is worth it. This 5 Year Capital Investment Plan is intended to complement the Waterfront and Downtown Master Plan.

The Capital Budget and Program provides information needed for short-range land use planning and development decisions and serves as a coordinating device for facilities and services planning. It represents Newport City's commitment to provide public projects in specific areas within the time period covered by the capital program. Capital projects included in the capital program can be expected to be carried out essentially as programmed, but some projects may be subject to modification, either in scope or timing, based on the review of the needs, the availability of funding, or other circumstances which cannot be predicted with any certainty so far in advance. Should substantial modification need to occur in the capital program, the statutory process to amend or update the Capital Program would be implemented. One of our objectives is to refine the budget process to make the programming of capital projects more precise in scope and timing. The intent is to give more reliable information about the availability of public improvements to both the private and public sector decision makers.

Definitions:

The following definitions are based on the Vermont Planning and Development Act (24 VSA, Chapter 117, section 4430):

Capital Budget - lists and describes the capital projects to be undertaken during the coming fiscal year, the estimated costs of those projects, and the proposed method of financing.

Capital Program - a plan of capital projects proposed to be undertaken during each year through year five of the Capital Budget and Plan, including the costs for those projects and the method of financing.

Capital Project - a capital project is any one or more of the following:

- (1) Any physical betterment or improvement including furnishings, machinery, apparatus, or equipment for that physical betterment or improvement when first constructed or acquired;
- (2) Any preliminary studies and surveys relating to any physical betterment or improvement.
- (3) Lands or rights in land;
- (4) Any combination of (1), (2), and (3).

Funding Sources for the Capital Budget and Program:

- A. Reserves - a reserve fund is a sum of money raised from the General Fund, via taxes, that is deposited in an interest earning account where applicable. These are generally derived from prior year surpluses and safeguarded in 'unassigned funds.' The Council has the authority to assign, restrict, or commit these funds for special projects, tax offsets, down or partial payments.
- B. General Obligation Bonds - These loans are written promises by Newport City to pay a specified sum of money (the principal amount) at a specified date (i.e., the maturity date), together with periodic interest at a specified rate. A bond typically runs for a longer term and is a more formal instrument than a note or most lease purchase agreements.
- C. Bank Notes and Loans - short term with current interest rates. Capital equipment replacement loans are utilized for items such as vehicles and typically have been financed for 4 years or less.
- D. State Aid & Grants - state aid in the form of grants or matching funds are utilized as much as possible.
- E. User Fees - a user fee is imposed upon only the user or renter of a public facility or public equipment. For example, only those residents hooked into the municipal water and sewer systems will be charged fees for paying fixed costs and upgrades. A renter of a city facility would be charged council approved rates and fees structure.
- F. Fundraiser - Capital projects, such as the Gardner Park improvements, are financed by fund raisers which are obtained through voluntary contributions and donations.
- G. General Fund - Any capital projects not funded in part or in whole from the aforementioned revenue sources will be financed through the General Fund, i.e., taxes.

Newport City Capital Project Description and Justification

Street Reconstruction and Resurfacing

Street reconstruction and street resurfacing is the most visible part of this capital program. The street reconstruction costs shown in the summary by fund does not include any cost for water and sewer infrastructure. Each time a road is rebuilt, the water and sewer lines are updated, as referenced in the sewer fund narrative.

The resurfacing of Highland Ave was completed in FY20. The street was a major investment in 2010 but was due for an overlay of asphalt in order to keep that section of road cost effectively maintained.

Vehicles and Equipment

We plan to continually rotate our fleet of vehicles and equipment out of the general fund at the point when the maintenance becomes cost prohibitive. The City has recently benefited from USDA Community Facility grants which were used to offset the costs of an excavator, skid steer, and protective fire gear for the Fire Department, dispatch equipment and police radios. We seek to extend the life of each piece by proper maintenance and care. Our replacement cycle for our large dump trucks is still longer than the desired ten years. The Police Department fleet rotation for patrol vehicles is one per year.

Public Facilities and Downtown Economic Development

Public facilities repair and maintenance has become a high priority for the City Council, as has city beautification. Recent operational budgets have prioritized facility maintenance and improvements at Prouty Beach, the Waterfront and Gardner Park. This Plan along with the LWCF grant award for improving the Gardner Park Playground area, skate shack, and bay area, substantiates our efforts which supports the Outdoor Recreational Economy. The VOREC grant and AARP award focuses on connecting a new trail in

Prouty Beach to the soon to be constructed Bluffside Farm Bridge, which will intentionally lead directly to our downtown.

Additional grant awards support the connections to the Beebe Spur Trail, the Memphremagog Ski Touring Foundation's Trail System, the Bluffside Farm, Prouty Beach, and a recently constructed shore line seasonal walking path located behind the Waterfront Mall, which all serve to enhance visitor ship to our downtown. Entering into an agreement with the local Drift Dusters Snowmobile chapter, a division of VAST, allows snow mobiles certain street access as well as downtown parking, to continue to bring visitors downtown during the winter months.

Other grant awards from the Downtown Transportation grant and the NBRC grant are designed to improve our main intersections in our downtown designated area, by promoting a sense of safety and convenience for all users.

The RCDI program has enabled these recent grant awards to help support recreational facilities improvements in recognition of highlighting and taking better advantage of our outdoor recreational assets. Focusing on these assets and trail connections are intended to bring people into our downtown thereby bringing in new dollars and advancing the potential for boosting our downtown attractions and making Newport a recreational destination.

**Long Range Capital Improvement Program
Street Reconstruction/Resurfacing
2021-2022 2026-2027**

<u>Fiscal Year</u>	<u>Street</u>	<u>Description</u>	<u>Cost</u>
		2021-2022 Paving Estimates @ \$78Ton	
			<u>72,236.33</u>
	<u>Committed Fund Balance</u>		
	Outlook Street	1 ½ Inch Overlay @ 90T	-7,020
	Summer Street	1 ½ Inch Overlay @ 88T	-6,864
	Winter Street	1 ½ Inch Overlay @ 132T	-10,296
	Second Street	2½ Inch Base @ 417T	-32,526
	Eastern Avenue	2½ Inch Base @ 197T	-15,366
			\$164.33
	Hillside Street	2½ Inch Base @ 216T	16,848
	Prospect Street	2½ Inch Base @ 645T	50,310
	Green Place	1 ½ Inch Overlay @ 40T	3,120
	Field Avenue	1 ½ Inch Overlay @ 94T	7,332
	Main Street	1 ½ Inch Overlay @ 643T	50,154
	Municipal Parking Lot	1 ½ Inch Overlay @ Est.	60,000
	Gardner Park Sidewalks	1425'x5'x5" 132 c.y. @150	<u>19,800</u>
			\$207,564
	Reconstruction Expenses	Pavement Planning/Gravel Stone/Fill	\$35,000
	Street Capital Design Projects		<u>\$122,083,000</u>

2022-2023 Paving Estimates @ \$78Ton

Gardner Park Road	1 ½ Inch Overlay @ 300T	23,400
Central Street	2½ Inch Base @ 230T	17,940
Glen Road-1 st Mile Section	2 Inch Overlay @ 2400T	<u>187,200</u>
		\$228,540
Misc. Expenses	Pavement Planning/Gravel Stone/Fill	\$ <u>35,000</u>
Street Capital Design Projects		<u>\$80,000</u>
Total		<u>\$343,540</u>

2023-2024 Paving Estimates @ \$79Ton

Glen Road-1.5 Mile Section	2 Inch Overlay @ 3600T	284,400
Misc. Expenses	Pavement Planning/Gravel Stone/Fill	<u>35,000</u>
Total		<u>\$319,400</u>

2024-2025 Paving Estimates @ \$80Ton

Sias Avenue	2 ½ Inch Base @ 1120T	89,600
Logan Drive	2 ½ Inch Overlay @ 984T	78,720
Farrant Street	1 ½ Inch Overlay 352T	28,160
Scottsdale Drive	1 ½ Inch Overlay @ 246T	19,680
Colodny Terrace	1 ½ Inch Overlay @ 40T	3,200
Bluff Rd.	1 ½ Inch Overlay @ 800T	<u>64,000</u>
		\$283,360
Misc. Expenses	Crack sealing/Gravel Stone/Fill, Concrete	<u>60,000</u>
Total		<u>\$343,360</u>

2025-2026 Paving Estimates @ \$80Ton

Lake Road 1 st half	1 ½ Inch Overlay @ 2840T	227,200
West Main Street	2 ½ Inch Base @ 1120T	<u>89,600</u>
		\$316,800
Misc. Expenses	Crack sealing/Gravel Stone/Fill, Concrete	<u>25,000</u>
Total		<u>\$341,800</u>

2026-2027 Paving Estimates @ \$81Ton

Lake Road 2 nd half	1 ½ Inch Overlay @ 2840T	230,040
West Main Street	1 ½ Inch Top @ 725T	58,725
Freeman St.	1 ½ Inch Overlay @ 205T	16,605
Veterans Avenue	1 ½ Inch Overlay @ 305T	<u>24,705</u>
		\$330,075
Misc. Expenses	Crack sealing/Gravel Stone/Fill, Concrete	<u>20,000</u>

Total
Grand Total:

\$350,075
\$1,698,175

Vehicle Replacement Schedule
2021-2022 2025-2026

Fiscal Equipment		Replacement	
<u>Year</u>	<u>Year</u>	<u>Description</u>	<u>Cost</u>
20-21		Committed Fund Balance	159,443.50
		Capital Equipment Funds	<u>155,000</u>
			314,443.50
		2011 #6 Ford F750	130,000
		2012 #2 Ford F550	30,000
		2010 #18 Elgin Sweeper	245,000
		Trade	<u>-35,000</u>
			\$370,000
21-22		Capital Equipment Funds	155,000
		2010 #18 Elgin Sweeper	55,556.50
		2011 #7 Freightliner M2 1 st Installment	94,443.50
		2020 Midsota Trailer	<u>5,000</u>
			\$155,000
Sewer & Water		2012 #2 Ford F550	60,000
		2020 Midsota Trailer	10,000
22-23		Capital Equipment Funds	155,000
		2011 #7 Freightliner M2 2 nd Installment	40,556.50
		2010 #4 Ford F150	13,000
		2013 #14 Freightliner M2 1 st Installment	<u>101,443.5</u>
			\$155,000
Sewer & Water		2010 #4 Ford F150	26,000
23-24		Capital Equipment Funds	155,000
		2013 #14 Freightliner M2 2 nd Installment	36,556.50
		2001 #21 Caterpillar Grader 1 st Installment	<u>118,443.50</u>
			\$155,000
24-25		Capital Equipment Funds	155,000

2001 #21 Caterpillar Grader 2 nd Installment	121,556.50
2012 #14 Freightliner/Vactor 1 st Installment	<u>33,443.50</u>
	\$155,000

Sewer & Water

2012 #14 Freightliner/Vactor 1st Installment 135,000

25-26

Capital Equipment Funds 155,000

2012 #14 Freightliner/Vactor 2nd Installment 100,000

2015 #10 Freightliner 1st Installment 55,000

\$155,000

Sewer & Water

2012 #14 Freightliner/Vactor 2nd Installment 135,000

Total

Capital Equipment Funds

\$775,000

Sewer & Water Funds

\$366,000

Newport Police Department Capital Improvement Plan

2021-2026

Police vehicles face unusual wear and tear and are replaced when mileage is very high or the vehicle becomes too expensive to maintain. This is a cost-effective standard that should be sustained. This Capital Plan includes one new police vehicle purchase each year in order to keep the fleet rotation cost-effective. A variety of cost-effective financing strategies are available that respects the impact on taxpayer dollars from short term financing to purchasing. The city council makes the determination.

The Police Department consists of 4 main line patrol vehicles, one of which is a specialized kennel vehicle assigned to the K9 Patrol Officer. The 24/7 working schedule requires a minimum of 3 operational patrol vehicles. The Police Chief drives a 2018 Ford Explorer.

The Police Department received a grant in 2016 from the Department of Public Safety and an additional grant from the USDA, totaling \$286,000.00, which funded the installation of a dispatch facility, in response to the local VSP dispatch closing in 2015. The grant enabled the gradual evolution of 24/7 dispatch service and added dispatch staff by recruiting contracts to emergency service providers outside of the city. The voters adopted a 24/7 Dispatch Center effective July 1, 2019 which provides accurate dispatch coverage and has been a well-respected service since opening. As of January 2021 we are currently dispatching for 8 total agencies and have an obligation to sustain these services and maintaining our dispatching infrastructure.

This Capital Investment Plan considers that a small amount of funds will be set aside each year in the event of a dispatch equipment failure. Although redundancy does exist with the current technology, equipment replacement and repair are an inevitable part of functionality and small increments should be considered in advance of an emergency. The City Council authorized \$32,455.00 be set aside from the FY17-18 budget for this purpose which provides an advantage for the funding goal of \$100,000.00.

The Municipal Building basement remodel was completed in 2016 in response to vulnerabilities as a result of a break-in. The remodel consisted of a new sally port, interrogation room, garage facilities, additional ada access, and minor improvements to the senior center. The Capital Improvement Plan considers the need to remodel an existing basement office space for a police male/female locker room at an estimated cost of \$120,000 when all necessary security requirements are considered.

The longevity of Bullet Proof Vests are five years according to the National Institute of Justice. The Capital Improvement Plan considers that restocking the Department's Inventory of Bullet Proof Vests will take place every five years at a cost of \$17,000.00, which is incorporated into the Fiscal Year 2019-2020 operating budget. Going forward, small increment amounts will be set aside each year so that vest replacement can occur timely.

POLICE DEPARTMENT VEHICLE REPLACEMENT PLAN

FY 21-22	1 vehicle purchase + debt service	
	Total	\$35,500
FY 22-23	1 vehicle purchase + debt service	
	Total	\$35,500
FY 23-24	1 vehicle purchase + debt service	
	Total	\$35,500
FY 24-25	1 vehicle purchase + debt service	
	Total	\$35,500
FY 25-26	1 vehicle purchase + debt service	
	Total	<u>\$35,500</u>
FIVE YEAR VEHICLE REPLACEMENT PLAN		\$177,500

Police Dept Vehicle Inventory:

- EQ 40 = Chief Vehicle
- EQ 41 = K-9 Vehicle
- EQ 42 = Sergeant Vehicle
- EQ 43 = Patrol Vehicle
- EQ 44 = Patrol Vehicle

DISPATCH REPLACEMENT RESERVE FUND

FY 21-22	\$10,000
FY 22-23	\$10,000
FY 23-24	\$10,000
FY 24-25	\$10,000
FY 25-26	<u>\$10,000</u>
FIVE YEAR DISPATCH REPLACEMENT RESERVE PLAN	\$50,000

Technology Reserve Fund

FY 21-22	\$5,000
FY 22-23	\$5,000
FY 23-24	\$5,000
FY 24-25	\$5,000
FY 25-26	<u>\$5,000</u>

FIVE YEAR TECHNOLOGY RESERVE PLAN **\$25,000**

POLICE LOCKER ROOM SINKING FUND/Debt Service	
FY 20-21	\$35,000
FY 21-22	\$35,000
FY 22-23	\$35,000
FY 23-24	<u>\$15,000</u>
FIVE YEAR POLICE LOCKER ROOM SINKING FUND	\$120,000
BULLETPROOF VEST REPLACEMENT FUND	
FY 21-22	\$5,000
FY 22-23	\$5,000
FY 23-24	\$5,000
FY 24-25	\$5,000
FY 25-26	<u>\$5,000</u>
FIVE YEAR BULLETPROOF VEST REPLACEMENT FUND	\$25,000
POLICE DEPT 5-YEAR CAPITAL INVESTMENT PLAN	<u>\$372,525</u>

Newport Parks & Recreation

2020-2025

Restoration of Gardner Memorial Park, expansion of Prouty Beach, maintenance of lakeside amenities, fleet equipment and vehicle rotations account for the 5-year Capital Improvement Program for Parks & Recreation. A systematic approach to capital budgeting has helped establish capital reserves for each facility and equipment replacement. These reserves, which are carried over annually if unused, will accumulate over time and off-set major future expenses. Adopting this model provides consistency for taxpayers and ensures that funds are available when needed. Along with facility reserves, properly maintained vehicles and equipment is vital for the care of the City's recreational assets. Vehicle and equipment rotations are included in the capital reserve plan to ensure that equipment can be replaced when these items have reached the end of their lifespan. Below is a breakdown of annual expenses totalling \$70,000 for facility reserves, and \$12,500 for vehicles and equipment.

Facility Reserves* Annual Breakdown

Prouty Beach & Campground	\$10,000/year
Gardner Memorial Park	\$20,000/year
Newport City Dock	\$32,000/year
Gateway Building	\$ 3,000/year
Playgrounds	<u>\$ 5,000/year</u>
Total	\$70,000/year

Vehicle/Equipment Capital Reserves** Annual Breakdown

Vehicles & Equipment	\$10,000/year
Event & Program Equipment	<u>\$ 2,500/year</u>
Total	\$12,500/year

In addition to funds set aside in the annual capital reserves, fundraisers, private donations and grants will help offset the cost of these capital projects whenever possible. These types of funds are not guaranteed, but have been a viable source of revenue to support recreation facility improvements in the past.

Capital Projects & Expenditures

Many improvements are planned at Gardner Memorial Park, which is the facility most used by Newport residents, and with the most need for rehabilitation within the next five years. The 2015-2016 Gardner Park Planning Grant and the 2019 Waterfront and Downtown Master Plan recommend a phased approach beginning with an overhaul of the playground area and bathroom facility, followed by shoreline enhancements to provide better lake access. The first phase of the "Gardner Park Restoration Project" is planned for 2021 to reorganize the play area for more green space, add updated ADA playground structures and installation of a 40x40 splash pad. The goal to have the \$598,000 project cost funded entirely by grants, fundraising and private donations, so we do not expect that capital funds will be needed for the cost of goods.

The second phase of the Gardner Park Restoration initiative includes improvements to shoreline amenities including dock expansion and development of a non-motorized rental fleet of recreational boats (paddle boards, kayaks, and peddle boats). Shoreline enhancements also include renovations to the lakeside ice hockey rink as we consider replacing aged parameter boards with seasonal fixtures that could be installed each winter and removed in the spring to allow for more open viewing of the lake during summer months at the park. Alternatively, the ice rink area could be upgraded with a roof or sheltered structure over top to allow for outdoor event and athletic space during the spring, summer and fall months. Both options will be evaluated.

Other long-term goals for the Gardner Park Restoration project include improved lighting on the softball fields and improved field quality. A power and utility improvement project is slated near the bandstand/Causeway to make the location more conducive to hosting events. Evidence of these projects can be found in Appendix D, "Newport Parks & Recreation - Capital Plan Project Outline" detailing the planned timeline for capital expenditures.

The Waterfront and Downtown Master Plan also suggests that the municipality focus on expansion of waterfront amenities and services at the Newport City Dock. The 5 Year Capital Plan prioritizes the replacement of deteriorating docks first, followed by upgrades to the service dock and re-location of fueling operations out on the pier to make fueling and pump-outs more accessible for boaters (Appendix D). The fuel-pier relocation will be in excess of \$100,000. Planning for 2024 implementation allows time for the capital reserves to build, avoiding a burdensome expense on the taxpayer all in one year.

Expansion at Prouty Beach also accounts for significant capital funding over the next five years as we prepare for impacts of the Bluffside Farm bridge and connector trail. With increased exposure from the new Waterfront Recreation Path, we expect the demand for campsites to continue to grow. Adding new campsites, upgrading restrooms, and restoring the public beach is planned to encourage increased patronage and outdoor recreation opportunities on the lake. See Appendix D for anticipated project schedule.

2021-2022

\$41,500	Annual Facility Reserves*
\$15,000	Annual Equipment/Vehicle Reserves**
\$26,000	Bottom Barriers for Marina

-\$22,000 Recreation Vehicles & Equipment (Harbor Master Boat)
\$104,500

2022-2023

\$70,000 Annual Facility Reserves*
\$12,500 Annual Equipment/Vehicle Reserves**
\$6,000 Gateway Improvements
\$5,000 Gardner Park Improvements
\$20,000 Recreation Vehicles & Equipment (Gardner Park Tractor)
\$113,500

2023-2024

\$70,000 Annual Facility Reserves*
\$12,500 Annual Equipment/Vehicle Reserves**
\$40,000 Gardner Park Improvements
\$122,500

2024-2025

\$70,000 Annual Facility Reserves*
\$12,500 Annual Equipment/Vehicle Reserves**
\$40,000 Recreation Vehicles & Equipment
\$122,500

2025-2026

\$70,000 Annual Facility Reserves*
\$12,500 Annual Equipment/Vehicle Reserves**
\$20,000 Gardner Park Improvements
\$20,000 Recreation Vehicles & Equipment
\$122,500

\$585,500 Total Five Year Parks & Recreation Capital Investment Plan

**City of Newport Fire Department
2019-2025**

The Newport City Fire Department is made up of one full time Fire Chief and 29 volunteer fire fighters each holding a special firefighting designation. The people who hold the positions of our 2 Assistant Chiefs, 2 Captains, and 2 Lieutenants are volunteers. Each volunteer firefighter, regardless of designation, voluntarily submits to 100's of annual training hours. Indeed, the City of Newport is lucky to have this qualified resource at our disposal.

The Fire Department has 5 vehicles with an average anticipated longevity of 20 years each. Periodically, fleet rotation must occur when the maintenance costs become prohibitive. The large scale items listed in the Equipment Replacement Schedule are planned to be financed, most likely through the bonding process.

The Fire Department has specialized personal safety equipment which must be rotated and fitted to each firefighter. This Five-Year Capital Investment Plan considers the potential to file grants while keeping our fighters safe.

FY 21-22	ATV	\$ 20,000.00
FY 22-23	Pave the Fire Station parking lot	\$ 19,000.00
FY 22-23	Replacement Pumper/Tanker (bond)	\$600,000.00
FY 24-25	Replacement Brush Truck	\$100,000.00
FY 25-26	Fire Chief Cruiser Replacement + Debt Service	<u>\$ 35,000.00</u>
TOTAL:		\$915,000.00

City Beautification Plan

The City Council authorized the creation of a City Landscaper in February of 2019. The initial budget was formulated by retooling portions of the Public Works and Recreation budgets. The addition of this position provided the city with expertise in implementing a City Beautification Plan as outlined in the Waterfront and Downtown Master Plan. While the City formerly engaged a landscaper as a vendor, bringing the position in house meant getting more for each dollar spent. The results of the first and second summers brought astounding in colors, landscaping, flower arrangements and the anecdotal uptick in city pride. The City intends to continue work towards identifying the City as a Botanical Garden as outlined in the Waterfront and Downtown Master Plan. As we continue to rehabilitate from the failed Main St. Development project, the landscaping provides a source of pride, as well as a 'can do' and inviting message for residents and visitors alike. Grant funding will be sought to subsidize the projects.

22-23	Botanical Gardens Annuals/Perennials	\$ 10,000.00
	City Landscaper Watering Pump	\$ 5,000.00
	Green House	<u>\$ 5,000.00</u>
		\$ 20,000.00
23-24	Botanical Gardens Annuals/Perennials	\$ 10,000.00
	Waterfront Parking & Boatyard	\$ 5,000.00
	Streetscape Amenities	<u>\$ 5,000.00</u>
		\$ 20,000.00
24-25	Botanical Gardens Annuals/Perennials	\$ 5,000.00
	Wayfinding Kiosk & info Center	\$ 10,000.00
	Streetscape Amenities	<u>\$ 5,000.00</u>
		\$ 20,000.00
25-26	Waterfront Landslide Overlook	\$ 5,000.00
	Botanical Gardens/Perennials	\$ 10,000.00
	Wayfinding Kiosk & Info Center	\$ 5,000.00
	Streetscape Amenities	<u>\$ 10,000.00</u>
		\$ 30,000.00
26-27	Botanical Gardens Annuals/Perennials	\$10,000.00
	Streetscape Amenities	\$10,000.00
	Vehicle/Equipment	<u>\$10,000.00</u>
		\$30,000.00

Newport Municipal Building

22-23	Municipal Building Sinking Fund (roof, brick facade maintenance & modernization)	\$10,000
23-24	Municipal Building Sinking Fund	10,000
24-25	New Vault (Bond = debt service principal & Interest)	41,000
	Municipal Building Sinking Fund	10,000
25-26	Municipal Building Sinking Fund	10,000
	Vault Bond Debt Service	41,000
26-27	Municipal Building Sinking Fund	10,000
	Vault Bond Debt Service	<u>41,000</u>
	Total Five Year:	\$132,000

Enterprise Funds:**Water Fund**

A major Water Fund capital expenditure to occur over the next 5 years is the construction of a new water tower on the east side of the city, funded through bonds and grants. The Water Tower will supply 450,000 gallons per day (gpd) to the East Side of the city including the Industrial Park and nearby residential areas and will relieve us of being reliant upon the Derby Village Trustees for water service. Additional benefits of this major upgrade include the costs of replacing the reservoir cover (if we can wait) and installing a booster pump station. The project is anticipated to cost in the range of three and a half to four million dollars. We have more work to do before we bring this to a vote. The new reservoir liner and cover must be replaced on the water reservoir with or without this project because the current cover was installed in 1999 and has fulfilled its useful life.

The Council approved a 15 year contract with SUEZ, (a company that collects, treats, and distributes drinkable water) to maintain the west side water tower at a cost of \$95,000.00 per year for the first five years, and then the cost reduces to approximately \$26,162 for the remainder of the contract. This provides the City with a level of confidence that our water tower investment and water supply supply is being maintained at the highest quality. We are planning to extend the water line at Lakemont to replace the galvanized 2" water line that serves the homeowners. The anticipated cost is \$93,000 with the Lakemont residents paying for the costs except the city's labor. We expect the financial arrangements to be mirrored after the Campbell Development.

Wastewater Fund

A major capital expense made in FY2019 was the purchase of a sludge dewatering pump that will be financed over the next five years at a principal amount of \$278,667.00. The pump is expected to reduce the amount of sludge disposal costs at a rate that will pay itself back within 5 years. The replacement of the oldest of three aeration blowers at \$60,000 will occur in FY20. The City Council authorized borrowing for a five-year term for these capital expenses utilizing the operating budget.

A new 8" diameter sewer line approximately 3,500 linear feet will be installed on St. Laurent Street extending to the pump station at Lakemont. This new sewer line will accommodate the expected Gillespie development that is adjacent to the Lakemont development. A preliminary feasibility study was done on this project in 2014. The engineers construction cost estimate was \$600,000. A multi-year capital funds approach is planned with a completion year of 2023.

**Long Range Capital Improvement Program
Water/Sewer Infrastructure
2021-2022 2025-2026**

<u>Fiscal</u> <u>Year</u>	<u>Street</u>	<u>Description</u>	<u>Cost</u>
2021-2022			
	Hillside Street	Sewer Main & Service Connections	20,000
	Prospect Street	Sewer Main & Service Connections	30,000
	Eastern Avenue	Sewer Main & Service Connections	10,000
	Gardner Park	Pipe Lining	50,000
	Sewer Siphon	Causeway	<u>50,000</u>
	Total	Sewer Infrastructure	\$160,000
	Hillside Street	Water Service Connections	10,000
		Sias Ave Water Engineering	15,000
		Sias Ave Water Project Fund	<u>150,000</u>
	Total	Water Infrastructure	\$175,000
2022-2023			
	Sewer Siphon	Long Bridge	100,000
	Glen Road	Sewer Main & Service Connections	<u>80,000</u>
	Total	Sewer Infrastructure	\$180,000
	Sias Ave Water Engineering		20,000
		Sias Ave Water Project Fund	<u>160,000</u>
	Total	Water Infrastructure	\$180,000
2023-2024			
	Coventry Street	Sewer Main & Service Connections	120,000
	Gateway & Indian Head Pump Stations	Debt Service	<u>-41,885</u>
	Total	Sewer Infrastructure	\$78,115
	Coventry Street	Water Main & Service Connections	100,000
		Sias Ave Water Project Fund	<u>160,000</u>
	Total	Water Infrastructure	\$260,000

2024-2025

St. Laurent Street	Sewer Main & Service Connections	<u>150,000</u>
Total	Sewer Infrastructure	\$150,000
West Main Street	Water Engineering	20,000
	West Main Street Water Project Fund	200,000
	1984 Water System Bond	<u>-41,850</u>
Total	Water Infrastructure	\$178,150

2025-2026

St. Laurent Street	Sewer Main & Service Connections	<u>150,000</u>
Total	Sewer Infrastructure	\$150,000
West Main Street	Water Engineering	20,000
	West Main Street Water Project Fund	<u>210,000</u>
Total	Water Infrastructure	\$230,000

Grand Total:

Sewer Infrastructure	\$718,115
Water Infrastructure	\$1,023,150

APPENDIX D

Newport Parks & Recreation

Capital Plan Project Outline

CAPITAL BUDGET		ANTICIPATED PROJECT EXPENDITURES	
<u>2021-2022</u>		<u>2021-2022</u>	
\$41,500	Annual Facility Reserves*	-14,000	PB Campsite Expansion (4 Pull-Thru RV, 2 Lean-to)
\$15,000	Annual Equipment/Vehicle Reserves**	-19,500	PB Power Pedestal Replacement (Phase 2/3)
\$26,000	Bottom Barriers for Marina	-8,000	GW Kitchens & Bathroom Floor Replacement
<u>\$22,000</u>	Recreation Vehicles & Equipment	-70,000	CD Dinghy Dock Replacement
\$104,500		-26,000	CD Bottom Barriers - Control Weeds at Marina
		<u>-22,000</u>	Harbormaster Boat
		\$159,500	
<u>2022-2023</u>		<u>2022-2023</u>	
\$70,000	Annual Facility Reserves*	-8,500	PB Power Pedestal Replacement (Phase 3/3)
\$12,500	Annual Equipment/Vehicle Reserves**	-30,000	PB Beach House Bathroom Improvements
\$6,000	Gateway Improvements	-25,000	GP Rink & Waterfront Improvements
\$5,000	Gardner Park Improvements	-10,000	GP Fences & Backstops
<u>\$20,000</u>	Recreation Vehicles & Equipment	-30,000	Tractor
\$113,500		<u>-19,000</u>	Gateway Carpet Replacement
		\$122,500	
<u>2023-2024</u>		<u>2023-2024</u>	
\$70,000	Annual Facility Reserves*	-71,000	GP Ballfield LED Lights & Timers
\$12,500	Annual Equipment/Vehicle Reserves**	<u>-5,000</u>	SUP & Peddle Boat Rental Fleet
<u>\$40,000</u>	Gardner Park Improvements	\$76,000	
\$122,500			
<u>2024-2025</u>		<u>2024-2025</u>	
\$70,000	Annual Facility Reserves*	<u>-137,000</u>	CD Fuel Pier Relocation & Upgrade
\$12,500	Annual Equipment/Vehicle Reserves**	\$137,000	
<u>\$40,000</u>	Recreation Vehicles & Equipment		
\$122,500			
<u>2025-2026</u>		<u>2025-2026</u>	
\$70,000	Annual Facility Reserves*	-60,000	GP Bandstand Power Project
\$12,500	Annual Equipment/Vehicle Reserves**	<u>-30,000</u>	PB Playground Improvements
\$20,000	Gardner Park Improvements	\$90,000	
<u>\$20,000</u>	Recreation Vehicles & Equipment		
\$122,500			
<u>\$585,500</u>	Total Five Year Parks & Recreation Capital Investment Plan	<u>\$585,000</u>	Total 5 Year Capital Expenditures

*Most Recent Version
as of 7/1/17*

Ordinance of the City of Newport, Vermont

Ordinance #114 Pertaining To Mooring Management of Public Waters

Be it ordained by the City Council of the City of Newport that:

Ordinance #114

Enacted by the City Council

On The 19th Day of September, 2005

Pertaining to Mooring Management of Public Waters, be hereby amended to read as follows.

SECTION 1: PURPOSE

1.1 PURPOSE - The purpose of this ordinance is to provide fair and equitable access to all navigable public waters within the City of Newport in the public interest. This ordinance shall govern and regulate the use of all navigable waters of Lake Memphremagog, Clyde River, and Black River within the City limits to ensure the protection of the public health, safety, and general welfare.

SECTION 2: SECTION 2 - SCOPE

2.1 SCOPE - This ordinance shall relate to the use of vessels and the location, construction, installation, maintenance, and use of moorings in all navigable waters within the City limits.

SECTION 3: AUTHORITY, APPLICABILITY AND SEVERABILITY

3.1 AUTHORITY- This ordinance is enacted pursuant to the authority contained in Section 23 of the City of Newport Charter. The authority to enact this ordinance is delegated to the City of Newport by the Water Resources Panel of the Natural Resources Board under the provision of 10 V.S.A. Section 1424(f).

3.2 APPLICABILITY - The provisions of this ordinance, and any rules and regulations adopted under it, shall be applicable to and shall govern all the navigable waters in the City limits. This ordinance shall be subordinate to all applicable federal, state and local statutes and regulations covering these matters and is not intended to preempt such statutes, regulations or permits/licenses issued thereunder. Where this ordinance imposes a greater restriction upon the water, land, buildings or structures than is imposed by any other ordinance or law, the restrictions of this ordinance shall prevail, provided, however, if this ordinance is inconsistent with other state or federal rules or laws, then these rules or laws shall apply. The designation of Mooring Management Zones does not mean that moorings have a preemptive right to be in the waters in those areas or give moorings any priority over other public uses of those waters.

3.3 RULES AND REGULATIONS - The City Council may prescribe rules and regulations to implement the provisions of this ordinance under the authority of Section 23 of the City of Newport Charter. All such rules and regulations shall be adopted, amended or repealed in the same manner as prescribed for an ordinance under the City of Newport Charter.

3.4 SEVERABILITY - If any provision of this ordinance is held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provision had not been made.

SECTION 4: DEFINITIONS

ANCHORING shall mean to secure a vessel by use of an anchor or by attachment to another vessel or object for a period not exceeding seventy-two (72) hours. Vessels anchored within a Mooring Management Zone for a period exceeding seventy-two (72) hours, shall be considered to be moored.

legal or commercial entity, including a joint venture or affiliated ownership.

SHORELINE shall mean the line where the land interfaces the water at elevation 682.04 feet above mean sea level.

SWING AREA shall mean the circular area whose radius is equal to the maximum a vessel stern will pull away from its mooring anchor.

RAFTING shall mean the temporary securing of two or more vessels to one another.

UNOCCUPIED ANCHORING shall mean that no individual(s) is (are) on a vessel while it is anchoring.

VESSEL shall mean every description of watercraft used or capable of being used as a means of transportation on water including but not limited to amphibian or pontoon aircraft.

WAIVER shall mean permission granted to an applicant by the Harbor Commission to depart from the literal requirements of this ordinance, where it has been determined such waiver will not pose a threat to the public health, safety, and general welfare.

SECTION 5: APPOINTMENT AND POWERS OF HARBOR COMMISSION

5.1 APPOINTMENT AND ORGANIZATION - The Harbor Commission shall consist of no less than five (5) or no more than nine (9) members appointed by the City Council. Each member shall serve for a term of two (2) years. Initially, two (2) members shall serve for a term of one (1) year. Nothing in this section shall prohibit neighborhood marina or yacht club representatives or a representative from a commercial marina industry or other organization from serving on the Commission as long as such members do not exceed two from each respective party.

5.2 POWERS - The Harbor Commission shall: recommend ordinance amendments, and rules and regulations for the adoption by the City Council; review and make recommendations to the City Council on proposed water use activities; conduct or cause to be conducted, with City Council approval, studies of the conditions and operations in the navigable waters in the City of Newport; hear and decide appeals and revocation proceedings initiated under this ordinance; and, hear, grant or deny requests for waivers.

5.3 CONFLICTS OF INTEREST - No member of the Harbor Commission shall participate in any proceeding where he or she has a conflict of interest as defined by City Policy.

5.4 REMOVAL FOR CAUSE - The City Council shall have the power to remove a member of the Harbor Commission at any time the City Council by majority vote of its members finds that the member has violated this ordinance, or acted in a manner contrary to the City's interest.

SECTION 6: APPOINTMENT AND POWERS OF THE HARBORMASTER

6.1 APPOINTMENT - The Harbormaster shall be recommended by the Harbor Commission, approved by the City Council, and sworn in by the City Clerk of the City of Newport.

6.2 POWERS - The Harbormaster shall administer and enforce this ordinance, and any rules and regulations adopted in accordance with Section 3.3 of this ordinance. The Harbormaster shall not have the power to permit any mooring or other activity, which is not in conformance with laws of the State of Vermont, this ordinance, and any implementing rules and regulations.

6.3 SUPERVISION - The Harbormaster will be supervised by the Parks and Recreation Director of the City of Newport.

6.4 REMOVAL - The City Council shall have the power to remove the Harbormaster at any time the City Council by majority vote of its members finds that the Harbormaster has violated this ordinance, or acted in a manner contrary to the City's interest.

SECTION 7: MOORING MANAGEMENT ZONES

8.4 CERTIFICATE OF REGISTRATION FEES - A mooring fee, set annually by resolution of the City Council, shall be paid prior to the issuance of a Certificate of Registration. Revenue generated by this fee shall only provide for the associated cost of administration of this ordinance, (which may include wages, etc., for part time seasonal employees) but shall not be used to pay the City's general budget expenses. If any surplus from Certificate of Registration fees is realized, those funds will remain in a separate account to offset future expenses associated with the Mooring Management of Public Waters. Accumulated surplus shall not exceed 20% of operating cost. Annual fees will be adjusted according to actual and projected expenses and revenues.

- a) All checks are to be made payable to "City of Newport - Moorings".
- b) Full payment must be received by February 28 for the upcoming boating season.
- c) Payment of a mooring registration fee does not give the Certificate holder any right or claim to any specific location. It does give the person the right to a location in Mooring Management Zone A, B, or C that is suitable for the vessel specified on file with the Harbormaster.
- d) The cost of a Marina or Yacht Club Group Certificate of Registration shall be calculated by multiplying the number of moorings authorized by that Certificate by 100% of the annual fee of an Individual Certificate of Registration.

8.5 CRITERIA FOR ISSUING CERTIFICATES OF REGISTRATION - The Harbormaster shall assure that Certificates of Registration are issued in such a manner as to not exclude the public's reasonable use of the public waters within the City limits as provided for by the laws of the State of Vermont. Certificates of Registration shall be allocated on a first-come, first-serve basis for new moorings. Applications must be obtained from the Harbormaster and each application shall require all information deemed necessary and appropriate by the Harbor Commission to determine compliance with this ordinance. The City shall annually publish, a public notice advertising the availability of mooring locations within the designated Mooring Management Zones.

8.6 GRANT OR DENIAL OF A CERTIFICATE OF REGISTRATION; WAITING LIST; NOTIFICATION - An applicant will be notified, within thirty (30) days from the date of application, of the receipt and status of the application (i.e. denial, approval, or placement on waiting list). Each Certificate of Registration issued shall designate the mooring location. If an applicant on the waiting list is contacted by certified mail and offered a Certificate of Registration, that person will have seven (7) days in which to accept or reject the offer. If the applicant rejects the offer or does not respond in a timely manner, that person's position on the waiting list will be relinquished and a new application will be required in order to be considered at a later date. Full payment of the Certificate of Registration fee will be required within ten (10) days of acceptance. Position on the waiting list is determined by date of receipt of application. Vessel size may also be a factor in awarding Certificates of Registration due to size restrictions of the mooring locations that become available for allocation.

8.7 DURATION OF CERTIFICATES OF REGISTRATION; RENEWAL; TRANSFERABILITY - The duration of a Certificate of Registration is one year.

- a) A Certificate of Registration starts on March 1 and terminates on February 28 of the following year.
- b) Renewal notices will be sent out in January of each year. Applications for Certificates of Registration must be received and the required fee paid on or before February 28. Failure to do so will result in the reallocation of the mooring location to a person on the waiting list. Certificates of Registration approved after February 28, will be permitted for the balance of the year at an assigned mooring location.
- c) A Certificate of Registration and location is not transferable in any fashion by the Certificate holder. If the ownership of a vessel changes and the prior owner (the Certificate holder) does not have another vessel to place on the mooring, and the new owner(s) desires that mooring, the new owner(s) must apply to the Harbormaster for a Certificate of Registration with a \$15.00 fee for the remainder of the season. This Certificate of Registration will terminate at the end of the season.
- d) No mooring location identified in an Individual Certificate of Registration can be rented, sold or sub-leased. The Certificate of Registration is only for the owner's vessel identified on the Certification of Registration. The Certification of Registration specifies the model, serial number and length of vessel.
- e) Certificate holders are allowed to change or increase the size of a vessel on their mooring by submitting a new application with a \$15.00 fee and obtaining written approval by the Harbormaster.
- f) An Individual Certificate of Registration is for private, non-commercial use only. Certificate holders are prohibited from chartering, selling, or brokering boats or carrying on any such businesses which involve the commercial or business use of the mooring in any way. (See Section 8.2[b]) A sale between private parties is not prohibited by this provision.
- g) Mooring locations authorized by a Marina or Yacht Club Group Certificate of Registration may be rented

inspected every two years. The Certificate holder will have to repair or replace a mooring within thirty (30) days after being notified in writing by the Harbormaster that the mooring is defective, or within such lesser time as specified by the Harbormaster if circumstances should warrant emergency action.

9.7 LIABILITY - It is the Certificate holder's responsibility, not the City's, to install, repair, replace and remove mooring tackle at the location specified by the Harbormaster. Any person mooring or anchoring a vessel within the public waters subject to this ordinance, shall assume all risk of damage or loss to his property and the City of Newport assumes no risk on account of fire, theft, Act of God, or damages of any kind to a vessel located in public waters within the City limits.

9.8 INTERFERENCE - No mooring or its associated tackle or vessel shall be allowed to be placed in such a manner as to constitute a hazard to navigation or interfere with previously authorized moorings, or with yacht clubs, marinas, fairways, boat houses, or any public swimming areas.

SECTION 10: ANCHORING; OCCUPIED ANCHORING; UNOCCUPIED ANCHORING

10.1 ANCHORING - Anchoring a vessel is permitted in the public waters of the City of Newport in a safe and prudent manner so as not to impede public use of said waters for navigation. No transient or visiting vessel may anchor in excess of three (3) days within a Mooring Management Zone. There will be no fees charged for utilization of an anchorage by a transient or visiting vessel.

10.2 OCCUPIED ANCHORING - In areas designated A, B, C, and fairways (See "Attachment C") occupied anchoring is allowed during daylight hours. Occupied anchoring is permitted overnight in areas designated A, B, and C. No overnight occupied anchoring is permitted in designated fairways.

10.3 UNOCCUPIED ANCHORING - No unoccupied anchoring shall occur at all within designated fairways (See "Attachment C"). A transient or visiting vessel may not be fixed to a mooring, except as authorized in Section 9.5 or at a facility owned by a Marina or Yacht Club Group Certificate holder.

SECTION 11: ABANDONMENT

11.1 RELINQUISHMENT; ABANDONMENT; AND FORFEITURE -

- a) A Certificate of Registration holder may relinquish his certificate at any time upon written notification to the Harbormaster. Any mooring tackle not removed within (30) days after receipt of such notification shall be considered abandoned and may be removed pursuant to sub part c), below.
- b) A Certificate holder may be deemed to have forfeited his certificate by reason of any of the following if not corrected within forty-eight (48) hours of notice in writing from the Harbormaster.
 - i) Placement of the mooring at a location other than that specified on the Certificate of Registration;
 - ii) Failure to pay the annual fee when due;
 - iii) Failure to repair or replace a mooring within thirty (30) days after being advised in writing by the Harbormaster that the mooring is defective or within such lesser time as specified by the Harbormaster if circumstances should warrant.
 - iv) Failure to demonstrate use of a Certificate of Registration by installing mooring tackle by July 15, shall be evidence that the Certificate holder has not used the Certificate of Registration, and, therefore, that Certificate of Registration is expired and the mooring is subject to reassignment.
 - v) Failure to moor an authorized vessel to the assigned mooring location during the one-year duration of the Certificate, shall result in expiration of that Certificate of Registration and will serve as a basis for denial of renewal of a Certificate of Registration for the coming year.
- c) Any abandoned or forfeited mooring tackle or any mooring tackle installed within Mooring Management Zones A, B, and C without permission from the Harbormaster may be removed at the expense of the owner, in the event he fails to remove same, within forty-eight (48) hours after notice in writing from the Harbormaster. The notice shall be secured to the mooring and mailed to the then known address as identified on the owner's Certificate of Registration and if the owner is unknown, then such notice shall be secured to the mooring only.
- d) Unauthorized, or non-standard unusable mooring equipment may be subject to confiscation by the

Harbormaster. When a person is aggrieved by any order of the Harbormaster, such person may appeal to the Harbor Commission by filing a notice of appeal with the City Clerk and a copy with the Harbormaster. Such notice of appeal must be filed within ten (10) days of the date of such decision or act of the Harbormaster. In cases where the action appealed is an enforcement action of the Harbormaster, a person may request simultaneously with the filing of the appeal, a request for a stay of enforcement. The Harbor Commission shall set a date and place for hearing of an appeal under this ordinance, which shall be within thirty (30) days of filing of the notice of such appeal. In a case where a stay of enforcement is requested, the Commission shall meet within seventy-two (72) hours to hear the request and approve or deny the request and set a date for a hearing on the merits of the appeal. The Harbor Commission shall mail to the applicant a copy of such notice at least fifteen (15) days prior to the hearing date. The Harbor Commission may decide the appeal at its next regularly scheduled meeting, or continue the time for decision for not more than fifteen (15) days. All actions taken by the Commission shall be supported by written Findings of Fact and Orders.

14.2 WAIVERS - For good cause, the Harbor Commission may grant a limited waiver of the terms and requirements of this ordinance provided that the circumstances necessitating the waiver are beyond the control of the person requesting the waiver. A request for waiver may be initiated by filing a notice with the City Clerk and a copy with the Harbormaster. The Harbor Commission shall notice and hold a hearing, and issue a decision, in the same manner as appeals pursuant to Section 14.1 of this ordinance.

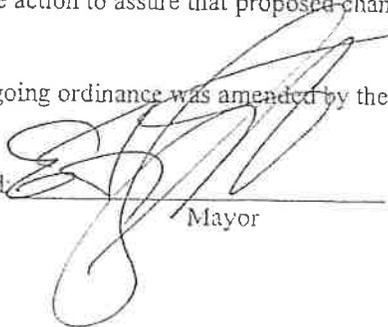
14.3 APPEALS TO COURT - Any person aggrieved by a final decision of the Harbor Commission, in any proceeding other than an enforcement action, may appeal to the Vermont Environmental Court within thirty (30) days of the date of the written decision pursuant to 10 V.S.A. section 1424(f) and Rule 12 in Appendix D of the Vermont Use of Public Waters Rules. Appeals in an enforcement action shall be taken to according to applicable law.

SECTION 15: AMENDMENT

15.1 AMENDMENT OF THE ORDINANCE - Any proposed amendments to this ordinance shall be submitted to the Water Resources Panel of the Natural Resources Board to assure adequate review, comment, and, if necessary, corrective action to assure that proposed changes are within the authority delegated under 10 V.S.A. Section 1424(f).

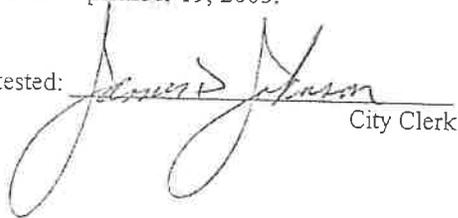
The foregoing ordinance was amended by the City Council on September 19, 2005.

Approved:



Mayor

Attested:



City Clerk

Newport City Mooring Management

Attachment B

Ordinance #114 Pertaining To Mooring Management of Public Waters

Enacted by the City Council
On the 4th Day of December, 2000

Zone A:

Beginning at a point that is 200 feet from northeasterly edge of the railroad bridge, Longitude -72° 12' 59.362" Latitude 44° 56' 13.467", then northerly 100 feet to a point, Longitude -72° 12' 58.857" Latitude 44° 56' 14.384", then westerly 150 feet to a point, Longitude -72° 12' 0.773" Latitude 44° 56' 15.001", then northerly 1070 feet to a point, Longitude -72° 12' 55.372" Latitude 44° 56' 24.862", then southeasterly 840 feet to a point, Longitude -72° 12' 51.696" Latitude 44° 56' 21.136", then southerly 400 feet to a point, Longitude -72° 12' 49.389" Latitude 44° 56' 14.185", then westerly along a parallel line 200 feet from the shoreline to the point of beginning.

Zone B:

Beginning at the easterly most point of Farrant's Point, Longitude -72° 13' 0.116" Latitude 44° 56' 29.692", then southerly along the shoreline to a point, Longitude -72° 13' 5.764" Latitude 44° 56' 20.602", then northeasterly 920 feet to a point, Longitude -72° 12' 58.553" Latitude 44° 56' 28.099", then northwesterly 200 feet to the point of beginning.

Zone C:

Beginning at a point 200 feet from the shoreline and 200 feet east of the City dock, Longitude -72° 12' 44.669" Latitude 44° 56' 15.041", then north 400 feet to a point, Longitude -72° 12' 40.649" Latitude 44° 56' 18.991", then easterly 370 feet to a point, Longitude -72° 12' 35.575" Latitude 44° 56' 19.683", then south 400 feet to a point 200 feet from the shoreline, Longitude -72° 12' 35.595" Latitude 44° 56' 15.739", then westerly 370 feet to the point of beginning.

Zone D:

Beginning at the easterly most point of Farrant's Point, Longitude -72° 13' 0.116" Latitude 44° 56' 29.692", then northwesterly along the shoreline to a point at the intersection of the Newport City/Newport Town line, Longitude -72° 14' 3.907" Latitude 44° 57' 1.651", then northeasterly along the Newport City/Newport Town line to a point 400 feet from the shoreline, Longitude -72° 13' 59.101" Latitude 44° 57' 3.635", then southeasterly along a parallel line 400 feet from the shoreline to a point, Longitude -72° 13' 4.848" Latitude 44° 56' 34.503", then southeasterly 595 feet to the point of beginning.

Zone E:

Beginning at a point on the northern edge of the Landing Street Boat Launch, Longitude -72° 12' 27.450" Latitude 44° 56' 36.976", then northwesterly along the shoreline to a point, Longitude -72° 13' 18.305" Latitude 44° 57' 20.550", then south westerly along the Newport City/Derby Town line to a point 400 feet from shoreline, Longitude -72° 13' 22.973" Latitude 44° 57' 18.607", then southeasterly along a parallel line 400 feet from the shoreline to a point, Longitude -72° 12' 33.011" Latitude 44° 56' 36.990", then east 400 feet to the point of beginning. Except no mooring shall be allowed within 500 feet from a point along Prouty Beach, Longitude -72° 12' 33.789" Latitude 44° 56' 48.180" and no mooring shall be allowed within 300 feet of the mouth of Pender Cove.

Newport City Mooring Management

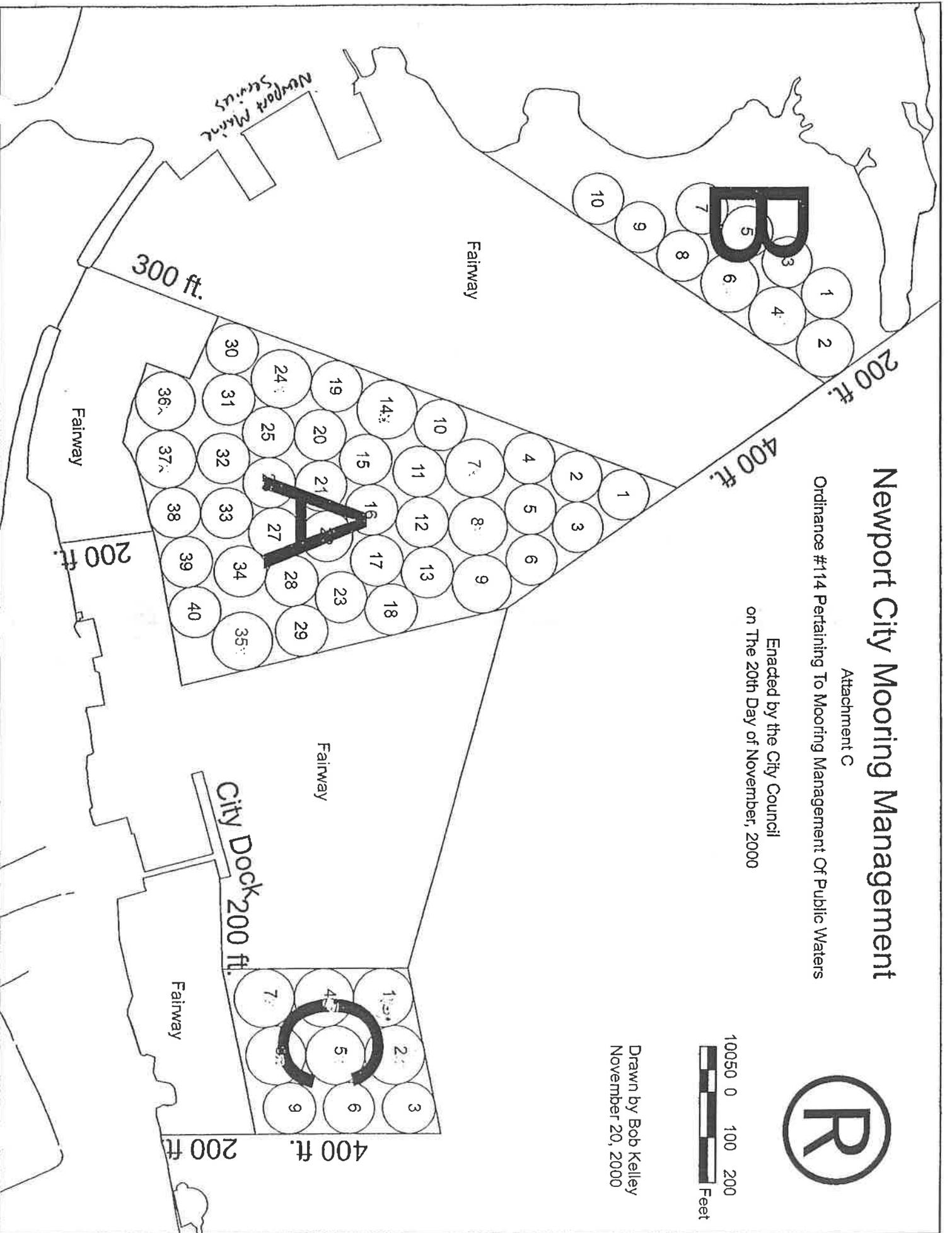
Attachment C

Ordinance #114 Pertaining To Mooring Management Of Public Waters

Enacted by the City Council
on The 20th Day of November, 2000



Drawn by Bob Kelley
November 20, 2000



On June 14, 2011, the Panel received ICAR's approval of the rule proposal, and on June 16, 2011, the Panel filed the rule proposal with the Secretary of State's Office.

The proposed rule reads:¹

Rule 16. This delegation shall expire on January 1, ~~2014~~ 2021. The Board may terminate this delegation, for cause or without cause, upon six months notice to the City as provided for in 10 V.S.A. § 1424(f)(2).

On July 7, 2011, the Panel sent notice of the proposed rule to various persons or organizations with an interest in public waters in Vermont, including local and regional officials, lake users and state agencies. In addition, the Panel posted the proposed rule on its web site. The proposed rule was published by the Secretary of State in newspapers of record on June 30, 2011, advising the public of public hearings and the opportunity to comment on the rule.

Public hearings on the proposed rule were convened on July 26, 2011 at approximately 7:00 p.m. in Barnard, Vermont, and on August 2, 2011 at approximately 7:00 p.m. in Poultney, Vermont. A total of thirty-seven people signed the attendance sheets for these public hearings; no person who attended the hearings provided comment on the proposed amendment to Rule 16 of Appendix D.

The deadline for filing written comments was August 31, 2011. One written comment was filed by the Agency of Natural Resources.

The Panel deliberated at its meeting on October 11, 2011.

II. Discussion

Only one comment on the rule was filed. In May 2011, responding to the Panel's request for input before the proposed rule was filed, the Agency of Natural Resources suggested that there should be an expiration date to the delegation of authority, so that the Panel can continue to monitor the City's management of the MMZ. The Agency did not suggest a specific date, but noted that perhaps an extension of five years might not be long enough.

The Panel agreed with the Agency and therefore modified the proposed rule to establish January 1, 2021 as the expiration date for the present delegation of authority

¹ Present language is struck; proposed new language is underlined.

APPENDIX D

RULES REGULATING THE MOORING OF VESSELS WITHIN LAKE MEMPHREMAGOG AND OTHER PUBLIC WATERS WITHIN THE CITY OF NEWPORT, VERMONT

10 V.S.A. § 1424(f)

Initial Rules Adopted November 2, 2000.

Amended Rules Effective December 30, 2011

Rule 1. All public waters in Lake Memphremagog, the Clyde River, and the Black River within the city limits of the City of Newport, Vermont (“City”), are hereby designated a Mooring Management Area. The Mooring Management Area is depicted on a map, entitled “Newport City Mooring Management - Attachment A, Ordinance #114 Pertaining To Mooring Management of Public Waters (September 11, 2000 Revision 4),” hereby incorporated and referred to as the City’s “Attachment A.”

Rule 2. Within the Mooring Management Area, ten (10) Mooring Management Zones (“MMZ”) are hereby created and designated as depicted in Attachment A by the letters A, B, C, D, E, F, G, H, J, and K described by coordinates in a document, entitled “Newport City Mooring Management - Attachment B, Ordinance #114 Pertaining To Mooring Management of Public Waters (September 11, 2000), hereby incorporated and referred to as “Attachment B.”

Rule 3. Pursuant to 10 V.S.A. § 1424(f), the Board delegates authority to the City to regulate mooring and anchoring in the Mooring Management Area to protect the public health, safety, and general welfare by prohibiting impediments to navigation and conflicts with normal uses of public waters. The City shall not restrict swimming, fishing, boating, and any other public uses conducted in accordance with state law, except mooring, in the Mooring Management Area. This delegation shall be implemented through the MMZ created by Rule 2. Moorings are prohibited in all navigable public waters within the City not specifically identified as MMZ in Rule 2.

This delegation shall be effective only when both of the following requirements are met:

- a. The City has duly adopted an Ordinance for implementing this delegation pursuant to Section 23 of the City Charter; and

shall institute a lottery or such other measures as are necessary to assure that all applicants will eventually be allocated mooring locations.

Rule 8. The City shall require all applicants to demonstrate that:

- a. Moorings are located within a reasonable distance of a point of access;
- b. The point of access has adequate on-shore support facilities for the number of moorings served; and
- c. The point of access support facilities are consistent with applicable zoning requirements and state law.

Rule 9. The City may establish and collect reasonable fees for Certificates of Registration. However, said fees shall be established only to meet the administrative costs of the City directly related to the regulation of moorings within the MMZ. Any schedule of fees shall be adopted on an annual basis by the City Council, posted at the City Clerk's office, and be provided to the public upon request made to the City Clerk or Harbormaster.

Rule 10. The City may enforce the implementing Ordinance through its general police power, consistent with the penalty and enforcement provisions of the City Charter.

Rule 11. The City may appoint a Harbormaster to administer and enforce the implementing Ordinance and a Harbor Commission to, among other things, hear appeals, hear and decide revocation proceedings, consider waiver requests, recommend Ordinance amendments and proposed Rules and Regulations to the City Council, and conduct studies and make recommendations to the City Council on water use and the conditions of navigable waters within the City limits.

Rule 12. The City's implementing Ordinance shall provide for a process by which a person in interest aggrieved by a decision or act of the Harbormaster may appeal to the Harbor Commission. The Ordinance also shall specify that appeals from any final action of the City, other than an enforcement action, shall be filed with the Environmental Court within 30 days.

Rule 13. The City may, from time-to-time, amend the implementing Ordinance consistent with its delegated authority and pursuant to Section 23 of the City Charter, provided that a copy of any proposed amendment(s) is filed with the Secretary at least 45 days prior to it/their adoption by the City

- c. Existing Mooring shall mean any mooring determined by the City to have been established before and including September 18, 2000.
- d. New Mooring shall mean any mooring determined by the City to have been established after September 18, 2000.
- e. Mooring shall mean any equipment, structure or system(s) for securing a vessel in the water beyond the mean water level. Each vessel shall be considered to be attached to a separate mooring for the purpose of counting moorings. Mooring shall not mean docks that are either exempt or permitted pursuant to 29 V.S.A. Chapter 11. Mooring shall not mean anchoring.
- f. Mooring Management Zones (MMZ) shall mean clearly delineated areas of navigable waters within the City limits, in which the Board or Secretary and City have determined that the placement of moorings requires regulation in the public interest.
- g. On-shore Support Facilities include, but are not limited to, roads or other means of access, parking areas, sanitary waste disposal facilities and trash disposal.
- h. Rule or Rules mean “Rules Regulating the Mooring of Vessels within Lake Memphremagog and Other Navigable Waters of the City of Newport, Vermont,” adopted by the Board or Secretary.
- i. Vessel shall mean every description of watercraft used or capable of being used as a means of transportation on water including but not limited to amphibian or pontoon aircraft.