City Manager..... (802) 334-5136
City Clerk/Treasurer 334-2112
Public Works/Parks 334-2124
Zoning Adm./Assessor 334-6992
Recreation 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, July 24, 2023

Gateway Center 84 Fyfe Dr Newport, VT 05855

Google Meet joining info

Video call link: https://meet.google.com/ith-dhnj-dfa

Or dial: (US) +1 541-903-5132 PIN: 974 919 943#

City Council: Vacant Mayor
John Wilson, Council President
Kevin Charboneau
Chris Vachon
Clark Curtis
Karen Geraghty, Interim City Manager
James D. Johnson, City Clerk/Treasurer

To promote transparency and accountability in government, Vermont's open meeting law (1 V.S.A. § 312) requires all meetings of public bodies to be open to the public at all times, unless a specific exception applies. Members of the public shall be afforded a reasonable opportunity to express opinions about matters considered by the City Council, so long as order is maintained according to the guidelines attached to this agenda.

1. Call the Regular Council Meeting to Order
2. Additions, Deletions, or Changes to the Agenda
3. Approve Minutes of July 10, 2023 and the Special Meeting minutes of July 17 and July 19, 2023
4. Comments by Members of the Public
5. VELCO request for waiver of 45-day advance notice requirement as permitted by 30 V.S.A. § 248(f), Anticipated VOTE
6. New Business
7. Old Business
8. Labor negotiations status and possible ratification vote - Possible Executive Session 1 V.S.A.§ 313(a)(1)(B)
9. Set next meeting: Regularly Scheduled Council Meeting: August 7, 2023 @ 6:30pm
10. Adjourn

Newport City Council Meeting Participation Guidelines

Newport City Council meetings are for the purpose of allowing Council members to conduct City business. City Council meetings are the only time the City Council members have to discuss, deliberate and decide upon City matters. City Council meetings are held in public to promote transparency and accountability in government, but are distinct from public hearings or town meetings in that they are not meetings of the public. Members of the public shall be afforded a reasonable opportunity to express opinions about matters considered by the City Council. To conduct orderly and efficient meetings, the Mayor kindly requests the public's cooperation and compliance with the following guidelines when participating in the meeting:

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 use the microphone and 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 limited 2 minute timeline adopted on January 23, 2017.
6. Once public comment has been heard, discussion will be limited to the City Council members.
7. Please do not interrupt or mock other speakers or otherwise exhibit disruptive behavior during the City Council meeting.
8. Please do not repeat the points made by others, except to indicate agreement or disagreement with other views.
9. Please step outside for side conversations. It is difficult to hear speaker remarks when side conversations are occurring during the Council meeting.
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 meeting.

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Council Minutes

July 10, 2023

A duly warned meeting of the Newport City Council was held on July 10 2023, immediately following a **Public** Hearing on the Capital Investment Plan. Present were Council President John Wilson, Council Members Kevin Charboneau Clark Curtis and Chris Vachon, Interim City Manager Karen Geraghty, City Clerk/Treasurer James Johnson Travis Bingham Tom Bernier, Mike Brown John Harlamert Rebecca Therrien members of the Press and Public

Mr. Wilson called the meeting to order at 6:12 PM

Additions, Deletions, or Changes to the Agenda

Discussion about Political Signs will take place under new business.

Approval of Minutes

Mr. Vachon moved to approve the minutes of June 26, 2023. Seconded by Mr. Curtis, motion carried

Comments by the public

Jennifer Bjurling commented on the surplus in the general fund and expenses in the water/sewer fund that were not budgeted.

Capital Investment Plan

Mr. Charboneau moved to approve the Capital Investment Plan. Seconded by Mr. Vachon motion carried

VT. State Firefighter Association Convention Update

Chief Harlamert updated the council on the State Firefighters Association Convention that will be held in Newport August 4-6, 2023

Water/Wastewater Allocation

Mr. Vachon moved to approve the sewer allocation #135050-002 for 163 Scottsdale Rd Seconded by Mr, Charboneau motion carried

Mr. Curtis moved to approve the water allocation 3W23-001 for 163 Scottsdale Rd. Seconded by Mr. Vachon motion carried

Casella Proposal for sludge Hauling from the WWTF (attached)

After discussion and comments by the public, Mr. Vachon moved to approve the proposal from Casella for sludge hauling. Seconded by Mr. Charboneau, motion carried

New Business

Charlie Pronto asked about placing political signs around the city. There is a city policy regarding political signs that states no political signs can be placed on city property except in right of ways. Mr. Pronto suggested a new policy that clearly states where signs would be allowed.

Mr. Vachon moved to approve a Vendor's Permit for III B's LLC Seconded by Mr. Curtis motion carried

Mr. Vachon moved to approve Special Events Permits for Caledonia Spirits and Memphremagog Arts Collaborative Seconded by Mr. Charboneau motion carried

Mr. Curtis noted he had received a complaint that the city had not displayed any flags for the 4th of July.

Mr. Bernier would like to find out who duct taped flags to the new light poles.

Mr. Vachon thanked the City Departments for their efforts on the 4th of July Ms. Geraghty thanked the Fire Department.

Old Business

Mr. Wilson noted applications have been received for the City Manager's position

Ms. Geraghty noted that the minutes of April 3rd and May 15th were posted but not published online for the public in violation of the Open Meeting Laws The issue has been corrected

Next Meeting Date

July 24, 2023

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Adjournment

Mr. Vachon moved to adjourn at 7:10 PM Seconded by Mr. Curtis, motion carried.

Attested_____This_____Day of _____ 2023

_____ Council President

City Manager ..... (802) 334-5136
334-3891
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City of Newport
222 Main Street
Newport, Vermont 05855

TO: Karen Geraghty, Interim City Manager

FROM: Thomas L. Bernier, Public Works Director TLB

DATE: July 6, 2023

RE: Casella Sludge Hauling Proposal

I have investigated the option to have Casella haul our dewatered sludge to the landfill. We are currently utilizing a 2007 dump truck passed down from public works. The problem is we will always continue to pass down the oldest truck for the wastewater plant to use. These trucks generally are at the end of their useful life and become expensive to keep on the road. At times to keep up with the sludge we must utilize a second public works truck. This not only interferes with public works operations but also exposes a newer truck that is heavily used for other projects to the lingering odor issue in the truck and throughout the public works facility once it returns. The 2007 truck inspection runs out in December. This vehicle needs a new windshield, brakes, slack adjusters, and the dump body is deteriorating.

If this truck isn't repaired to meet a new inspection, then an active plow truck will have to replace it. Trucking the sludge into the dump area where we drive over mud and debris has caused blown tires and at times our vehicle has needed to be pushed out by their equipment which has caused minor damage to the truck.

The city's newest truck was ordered on 12/2/2022 and will cost $185,486. It will likely not be delivered until the spring of 2024.

The Wastewater Plant has one employee with a commercial driver's license (CDL). This employee must be available to haul a load using a city truck every morning five days a week. The time the employees spends driving the city truck to the landfill and back varies depending on how quickly the load can be discharged at the landfill (sometimes there are several trucks lined up at the landfill). If the Wastewater Plant employee with the CDL is unavailable a Public Works employee with a CDL must be pulled to haul the load, leaving Public Works short-staffed for projects. Utilizing Casella to haul our sludge would eliminate the need for a city employee to haul a load in our truck every morning five days a week and eliminate the costs of upkeep for an aging truck. The bigger Casella container would only need to be emptied 1-2 times a week. This is a breakdown of Casella's proposal:

Container yearly rental:	$1500
Hauling cost per truck:	$350

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Newport City Council Special Meeting
July 17, 2023

A duly warned Special Meeting of the Negotiation Team for the Newport City Council was held on Monday, July 17, 2023, in the city council room of the Newport Municipal Building. Present were Council Members Chris Vachon and Clark Curtis, City Attorneys John Klesch, and Marilyn Mahusky via remote, Public Works Director Tom Bernier and Programs Director Rebecca Therrien

Chris Vachon called the meeting to order at 10:37 a.m. for the purposes of conducting an internal discussion of labor negotiations.

Executive Session:

Chris Vachon moved to find that premature public knowledge of internal labor negotiations strategy and analysis would place the city at a substantial disadvantage, and that we should therefore enter executive session under 1 V.S.A. § 313(a)(1)(B), and invite the City Attorney, Public Works Director and Programs Director to join. Clark Curtis seconded the motion, and it passed.

The executive session ended at 11:37 am.

Chris Vachon made a motion to adjourn the meeting at 11:38 am, with Clark Curtis seconding, and the motion carried.

Attested _____this _____ day of July, 2023.

_____Council President

Special Council Meeting

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July 19, 2023

A duly warned Special Meeting of the Newport City Council was held on July 20, 2023, in the council room in the Newport Municipal Building. Present were Council President John Wilson, Council Members Kevin Charboneau, Clark Curtis, and Chris Vachon, Interim City Manager Karen Geraghty, City Clerk/Treasurer James D. Johnson, Beriah Smith and David Rugh from Stitzel, Page and Fletcher, Rebecca Therrien, members of the Press and Public.

President Wilson called the meeting to order at 6:33 PM.

Additions, Changes, deletions to the Agenda

None

Public Comment

Jennifer Bjurling stated that she felt that the council and appointed officials are not performing their duties. She felt they do not listen to the public and need training.

Response of the City Council to the Notice of open Meeting Violation in compliance with 1 V.S.A. sec. 314(A)(2); (Possible executive session 1 V.S.A. sec. 313(a)(1)(F)

Mr. Vachon moved to find that premature general public knowledge of the City Attorney's legal advice to the City council regarding the Open Meeting Law would clearly place the public body at a substantial disadvantage by disclosing privileged and confidential attorney-client communications. Seconded by Mr. Curtis, motion carried.

No action during executive session.

In open session, Mr. Vachon moved that.

Whereas, the City received written notice from Jennifer Bjurling alleging that the City violated the Open Meeting Law by failing to post minutes of the April 3, May 15, and June 26, 2023, City Council meetings on the city website within five calendar days of said meetings pursuant to 1 V.S.A. Sec. 312(b)(2) and

Whereas, the minutes of the city council meetings held on April 3, May 15, and June 26, 2023, were not publicly viewable on the city website five calendar days after the April 3, May 15, and June 26, 2023, City Council Meetings and

Therefore, the City Council acknowledges that failing to post the meeting minutes of April 3, May 15, and June 26, 2023, City council meetings to the City website so they are publicly viewable within five

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calendar days of the meetings was a violation of 1 V.S.A. sec 312(b)(2). Seconded by Mr. Charboneau, motion carried.

Consider Policy Adoption Regarding Posting of Minutes (attached)

Mr. Charboneau moved to adopt the policy regarding posting of minutes. Seconded by Mr. Vachon, motion carried.

Adjournment

Mr. Charboneau moved to adjourn at 7:02 PM. Seconded by Mr. Vachon, motion carried.

On the fourth calendar day after a City Council meeting, the City Manager or their designee shall view the City website as a member of the public, and not using the City's servers, to confirm that the minutes from the prior City Council meeting are posted to the publicly viewable City website, and then the City Manager or their designee shall send confirmation to the City Manager, Program Director and Mayor, or Council President in the Mayor's absence. If the minutes are not publicly viewable on the fourth calendar day, the City Manager or their designee shall email the Program Director, City Manager, and the Mayor, or Council President in the Mayor's absence, advising that the minutes are not publicly viewable on the City website and provide a plan to make the minutes publicly viewable on the City website by the end of the following day, which is the fifth calendar day after the meeting. On the fifth calendar day after the meeting, the City Manager shall periodically check the publicly viewable City website and once the minutes are posted and viewable by the public, the City Manager shall follow-up with an email confirmation to the Mayor, or Council President in the Mayor's absence."

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City of Newport
222 Main Street
Newport, Vermont 05855

July 24, 2023

Shana Louiselle
Vermont Electric Power Company
Slouiselle@velco.com

Re: Petition of Vermont Transco LLC, and Vermont Electric Power Company, Inc. (collectively, "VELCO"), for a Certificate of Public Good pursuant to 30 V.S.A. § 248(j) authorizing upgrades to VELCO's existing Newport Substation, located in Newport, Vermont

Dear VELCO:

On July 19, 2023, the City of Newport received notice from you of the Vermont Electric Power Company's (VELCO) intent to make upgrades to VELCO's existing substation at 917 Clyde Street in Newport, Vermont, all within the existing substation fence.

The primary upgrade consists of replacing an existing 30 MVA transformer with a 56 MVA transformer (the "Project"). VELCO needs to perform this work because the existing transformer is approaching the end of its usable life expectancy given its age and condition. If the transformer is kept in service, it would be risking a potential future outage due to equipment failure.

We, the Newport City Council, have reviewed the Project description as provided by VELCO and we waive the 45-day advance notice requirement, as permitted by 30 V.S.A. § 248(f).

Sincerely,

Newport City Council

John Wilson, President

Kevin Charboneau

Chris Vachon

Clark Curtis

Wilschek Iarrapino

From: Joslyn Wilschek <joslyn@[illegible]>

Tue, Jul 16, 2:42 PM (3 days ago)

To: CityManager@NewportVermont.org, Shana

Good afternoon,

I am following up on the discussion that you had with Shana Louiselle and thanks in advance for your time. My name is Joslyn Wilschek and I am an attorney that represents VELCO regarding its need to obtain Section 248(j) approval from the Vermont Public Utility Commission for its plans to replace an existing transformer at its Newport Substation at 917 Clyde Street with a larger transformer. VELCO needs to perform this work because the existing transformer is approaching the end of its usable life expectancy given its age and condition. If the transformer is kept in service, it would be risking a potential future outage due to equipment failure. VELCO will perform all work within the existing substation fence.

Under Vermont law, VELCO needs to provide the Newport selectboard and planning commission, and the regional planning commission with detailed notice of the project 45 days before it files its Section 248(j) petition, unless these entities waive the need for such notice. Because this project has very limited impacts given that all work will be done within the existing substation fence, VELCO was hoping that the Newport selectboard and planning commission could please issue a waiver of the need to receive the 45-day advance notice.

Wilschek Iarrapino

I have attached draft waivers for the selectboard and planning commission to consider as both entities would need to sign these waivers. Please let me or Shana know if you need more information. If the selectboard and planning commission agree to issue the waivers, please have a representative from those entities sign their respective waivers and email it to me and Shana (copied here).

Even if the selectboard and planning commission issue the waivers, VELCO will still provide them with a copy of the complete Section 248(j) filing. VELCO would prefer to send the filing via email so please let me know if they consent to receiving the filing via email. Thanks again for your help.

Joslyn Wilschek, Esq.
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Montpelier, VT 05602
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