

City Manager (802) 334-3136
334-3891
City Clerk/Treasurer 334-2112
334-3892
Public Works 334-2124
Zoning Adm./Assessor 334-6992
Recreation/Parks 334-6145
Fax 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855

**Regular Meeting of the City Council
Monday, September 11, 2023, 6:30 pm
Newport City Municipal Building
City Council Room
222 Main St.
Newport, Vt. 05855**

Google Meet joining info

**Video call link: <https://meet.google.com/tuj-bfhv-tsz> Or dial: (US) +1
386-401-8616 PIN: 389 395 759#**

City Council: Mayor Linda Joy Sullivan
Council President John Wilson
Kevin Charboneau
Clark Curtis
Chris Vachon

Karen Geraghty, Interim City Manager
James D. Johnson, City Clerk/Treasurer

AGENDA

1. Call to Order
2. Additions, Changes, Deletions to the Agenda
3. Comments by Members of the Public
4. Receive advice from legal counsel concerning the Notice of Open Meeting Law Violation received on 9/06/2023 (Anticipated executive session pursuant to 1 V.S.A. § 313(a)(1)(F))
5. Response to Notice of Open Meeting Law Violation received on 9/06/2023
6. Approve Minutes of August 7, August 15 and September 6, 2023
7. Consider extending the deadline for the submission of applications for the position of City Manager. Anticipated VOTE.

8. Discussion regarding retirement of employee Executive Session (1 V.S.A. § 313(a)(3)) Anticipated VOTE.
9. Interview and discussion regarding Interim employee Executive Session (1 V.S.A. § 313(a)(3)) Anticipated VOTE
10. Request for authorization to purchase Public Works Equipment: Dump Truck Cab & Chassis Anticipated VOTE
11. Request for authorization to purchase Public Works Equipment: Sidewalk tractors and attachments Anticipated VOTE
12. Consider ratifying Public Works contract-Executive Session Anticipated (1 VSA 313(a)(1)(B)) -Anticipated VOTE
13. Interview and discussion regarding potential candidates for City Manager position Executive Session (1 V.S.A. § 313(a)(3)) Anticipated VOTE
14. Old Business
15. New Business
16. Set next meeting: Regularly Scheduled Council Meeting: September 18, 2023 @ 6:30pm
17. Adjourn

Council Minutes

August 7, 2023

DRAFT

A duly warned meeting of the Newport City Council was held on August 7, 2023, in the Gateway Center immediately following the welcoming and ceremonial swearing in of the new Mayor. Present were Mayor Linda Joy Sullivan, Council President John Wilson, Interim City Manager Karen Geraghty, City Clerk/Treasurer James Johnosn, Council Members Kevin Charboneau, Chris Vachon, and Clark Curtis, Police chief Travis Bingham, Fire chief John Harlamert, Public works Director Tom Bernier, Recreation Director Mike Brown, Zoning Admin. Francis Cheney III, Asst Clerk/Treasure Stacey Therrien, Programs Director Rebecca Therrien, members of the Press and Public.

Mayor called the meeting to order at 6:40 PM.

Additions, Deletions, or Changes to the Agenda

The new tax rates will be brought up under new business.

Approval of Minutes

Mr. Vachon moved to approve the minutes of July 24, 2023. Seconded by Mr. Wilson, the motion was carried unanimously.

Comments by the Public.

Amy Gillespie commented on questions she asked on July 15th that were not answered and commented on the Overdose Awareness on August 2nd.

Jennifer Bjurling asked that the mayor conduct a Forensic Audit of the Sewer and Water Fund.

Water/Wastewater Allocation (attached)

Mr. Wilson moved to approve the water allocation for 119 Clermont Terrace. Seconded by Mr. Vachon, the motion was carried unanimously.

Mr. Vachon moved to approve the sewer allocation for 119 Clermont Terrace. Seconded by Mr. Charboneau, the motion carried unanimously.

DRB Nomination Presentation

Mr. Wilson moved to approve the nomination of Patrick Hurley to the Development Review Board. Seconded by Mr. Vachon, the motion was carried unanimously.

Update on new Fire truck

Chief Harlamert updated the council on the new Fire Truck. Mr. Harlamert stated there are some engineering problems with the truck to the extent that the city could not except the truck. Negotiations are ongoing to settle the issues.

Resolution Designating Authorized Official for NBRC Award NBRC19GVT10 Causeway Improvements (attached)

Mr. Vachon moved to authorize the Interim City Manager (Karen Gerahty) as the authorized official to sign all NBRC documents. Seconded by Mr. Charboneau, the motion carried unanimously.

New Business

Mr. Johnson presented the 2023-24 Tax Rates.

Mr. Vachon Thanked the Fire Dept. for the great event the past weekend.

Mr. Curtis brought up questions about Spruce St. and the Reservoir Cover.

Old Business

Mr. Wilson commented on Purple Heart Day

Next Meeting Dates

August 15, 2023, to interview City Manager candidates and a regular council meeting on August 21, 2023

Adjournment

Mr. Charboneau moved to adjourn at 7:30 PM. Seconded by Mr. Vachon, motion carried unanimously.

DRAFT

Attested _____ this _____ day of August 2023

_____ Mayor

Special Council Meeting

August 15, 2023

DRAFT

A duly warned special meeting of the Newport City Council was held on Tuesday, August 15, 2023, in the council room in the Newport Municipal Building. Present were Mayor Linda Joy Sullivan, Council President John Wilson, Council members Kevin Charboneau, Clark Curtis, and Chris Vachon, City Clerk/Treasurer James D. Johnson, Public works director Tom Bernier, Programs Director Rebecca Therrien, members of the Press and Public.

Mayor Sullivan called the meeting to order at 6:40 PM.

Additions, Changes, Deletions to the Agenda

Mayor Sullivan stated that the next regular council meeting will be on September 11, 2023.

Public Comment

Trisha Ingalls asked about tonight's City Manager candidate interview process.

Interview and Discussion Regarding Potential Candidates for City Manager Position, likely executive session1 V.S.A. sec. 313(a)(3)

Mr. Charboneau moved to enter executive session for interview and discussion regarding potential candidates for City Manger position 1 V.S.A. sec. 313(a)(3). Seconded by Mr. Wilson, motion carried unanimously.

There was no action.

Adjournment

Mr. Charboneau moved to adjourn at 9:49 Pm. Seconded by Mr. Vachon, motion carried unanimously.

Attested _____ This ____ Day of _____ 2023.

Mayor

Special Council Meeting

DRAFT

September 6, 2023

A duly warned meeting of the Newport City Council was held on Wednesday, September 6, 2023, in the council room in the Newport Municipal Building. Present were Mayor Linda Joy Sullivan, Council President John Wilson, Council members Kevin Charboneau, Chris Vachon and Clark Curtis, City Clerk/Treasurer James Johnson, Public Works Director Tom Bernier, members of the Press and Public.

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

Additions, Changes, and Deletions to the Agenda

Addition, Mayor Sullivan requested a motion to consider extending the deadline for applications for the position of City Manager. Mr. Wilson seconded what he thought was a motion.

Mr. Vachon moved to table the request. Seconded by Mr. Charboneau, Mr. Vachon, Mr. Charboneau and Mr. Wilson in favor, Mr. Curtis Against, motion carried.

Addition, Mayor Sullivan requested a motion, to see whether it's necessary for the City Council to commission a Forensic Audit of the city Water and Sewer Fund.

Mr. Wilson moved to consider whether it's necessary for the city to commission a Forensic Audit of the city's Water/ Sewer fund. Seconded by Mr. Curtis. Motion carried.

Mayor Sullivan explained what a Forensic Audit entailed.

Mr. Vachon moved to table the request. Seconded by Mr. Charboneau, motion carried.

Public Comment

Claire McIntyre read a statement. (attached)

Jennifer Bjurling read a statement. (attached)

Evaluation of City Personnel (likely executive session) 1 V.S.A. sec. 313 (a)(3)

Mr. Vachon moved to table the item. Seconded by Mr. Charboneau. Mr. Vachon and Mr. Charboneau in favor of tabling, Mr. Wilson, and Mr. Curtis against the motion. Mayor Sullivan voted yes; we will go into executive session.

Mr. Curtis moved to enter executive session for evaluation of city personnel 1 V.S.A. sec. 313(a)(313). Seconded by Mr. Wilson, Mr. Curtis and Mr. Wilson in favor, Mr. Vachon and Mr. Charboneau against. Mayor Sullivan in favor, motion carried.

Mr. Vachon left the building and did not participate in the executive session.

In open session there was no Action.

Ms. Bjurling reminded the mayor that she said there would be time for public comment after the executive session.

Public Comment

Ms. Bjurling commented on adding items to a Special Meeting agenda that called only for an executive session. This doesn't keep the public informed of what will be discussed by the council at the Special Meeting and allow for public input.

Ms. Pettersson also commented on adding items of importance to a warned Special Meeting agenda that was called for an executive session. She also asked for clarification on when public discussion was allowed for specific items as comments from the public were not allowed at the time of the motions, council discussion, and vote on the items to be added to the agenda. The mayor stated the items were tabled so there was nothing to ask or comment about

Jennifer Hopkins asked for clarification on exactly when during the process of motion, second, council discussion, and vote was the public allowed to ask questions or comment. The mayor stated that there were rules, but it was a case-by-case decision.

Adjournment

Mr. Charboneau moved to adjourn at 9:35 PM, seconded by Mr. Curtis, motion carried.

Attested _____ this _____ day of September 2023

_____ Mayor

Newport City Council

Mayor Sullivan

Council President Wilson

Kevin Charboneau

Clark Curtis

Chris Vachon

Karen Heraghty, Interim City Manager

James Johnson, City Clerk/Treasurer

Rebecca Therrien, Programs Director

Tabetha Armstrong / Chris Roy "Newport Daily"

Joe Gresser / Trisha Ingalls "The Chronicle"

9/2/23 1
Delwey 9/6/23

I am not a member of a group. I do not speak for anyone else. No one else speaks for me.

From what I observe at City Council Meetings and from press accounts, it seems that the Council is dealing with difficult matters.

I am one of many individuals concerned about Newport's welfare who is trying to understand but is unable to do so, in significant part, because the Council does not wish to provide information. In a few cases it may be under legal restrictions.

Recognizing those severe limitations I still wish to extend my sincere hope that

Council Members can each make their very best efforts to access the best versions of their abilities in dealing with the difficult matters: to listen to others, to think and consider, to appreciate another point of view, to understand, to compromise where appropriate, to explain as fully as possible whenever possible, to recognize the City's own shortcomings in the past and currently, to recognize the need for, and to begin, various processes of improvement to help the City move towards its full potential.

This same hope extends to any others involved in these difficult matters - advisers, employees, co-workers, or any

individuals supplying support to anyone concerned.

My hope is that each individual will be able to bring his/her/their best self to the consideration of all matters

Thank you for this opportunity and your attention.

Claire J. McIntyre
Claire J. McIntyre

1. Unless employee is City Manager, the Council will violate its personnel policy by conducting this evaluation: Negligence Claim

2. The evaluation of an employee without the employee at the table potentially creates liability in the form of a Due Process Claim.

New Hampshire Municipal Association

Understanding and Applying Due Process in Disciplinary Decision Making

Mark Broth

Government is in the fairness business. Public officials are charged with the evenhanded enforcement of laws, regulations, and policies.

In the employment context, due process involves two basic principles: 1) that employees are entitled to know the nature of their alleged misconduct or performance deficiencies (i.e. the charges against them); and 2) that employees should be given a reasonable opportunity to respond to those allegations.

Among the "fundamental requirement[s] of due process is the opportunity to be heard at a meaningful time." Mathews, 424 U.S. at 333 (quotation omitted).

3. The evaluation of the mystery employee may also create liability in the form of a Breach of Contract Claim should the employee be the subject of an employment contract or Collective Bargaining Agreement with language pertaining to the evaluation process.

Each member of this Council took an oath of office to protect the interests of the City. Now it appears the Council will blindly move forward on an evaluation that at a minimum does

not pass the sniff test and concurrently has the potential to open the City to substantial liability

Lastly, should the Council insist upon blindly entering this legal minefield, conversation during executive session is strictly limited to the mystery employee and his or her job performance. The Council has no authority to discuss other candidates for the City Manager position. The Council has no authority to discuss alternatives to appointing a City Manager such as the Mayor usurping the City Manager role. Any discussion outside of the mystery employee and his/her job performance will be a violation of 1 VSA §313 and each of you as individuals would be criminally liable pursuant to 1 VSA §314.

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TO: Karen Geraghty/Interim City Manager *KG*
FROM: Thomas L. Bernier/P.W. Director *TLB*
DATE: September 6, 2023
RE: New 2025 Dump Truck Cab & Chassis

The current budget allows us to replace a 2013 Freightliner M2-106 six-wheel dump truck. I sent out bid requests for a new cab and chassis. We received the two bids back, and this is the breakdown of the bids:

Charlebois Inc.: 2025 Freightliner M2 106 Cab & Chassis \$115,715

Allegiance Trucks: 2025 International HV507 \$115,841

The two bids that were submitted both meet our city specifications. I would like to request authorization to purchase a new 2025 Freightliner cab and chassis from Charlebois Inc. for \$115,715.

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City of Newport
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TO: Karen Geraghty/Interim City Manager *KG*
 FROM: Thomas L. Bernier/P.W. Director *TLB*
 DATE: September 6, 2023
 RE: Two New 2023 Sidewalk Tractors and Attachments

We have budgeted money for the purchase of two new 2023 Sidewalk Tractors and attachments if needed to replace our 2015 John Deere tractors with trade. We received two bids as follows:

Champlain Valley Equipment	
Kubota Lx4020 HSDC	\$82,357.39
United Ag & Turf	
John Deere 3039R	\$87,708.64
Sweeper	\$3,736.57
Loader	\$4994.02
Snowblowers	<u>\$9,785.40</u>
	18,515.99

The city put out a bid request for two tractors and attachments. Both bidders placed their bids utilizing Sourcewell, which is a government agency that makes purchasing easier and more affordable. The problem with Sourcewell is they bundle the entire package together and can't breakout individual items. We put attachments in the bid so that Champlain could bid a Kubota tractor with its attachments.

Champlain Equipment's bid has the option of trading the two tractors. They gave separate prices for each trade in tractor with the second one having it include both tractor

attachments. I made a list of our current attachments and cost of them \$18,515.99 when purchased. If we go with John Deere, we do not need attachments except a plow soon.

The one snowplow which we would prefer to buy separately so that we could investigate further and possibly try one before we purchase it.

I would like to request that we except the bid from United Ag & Turf for \$87,708.64.