Newport City Council Meeting
Regular Meeting Agenda
Monday, October 16, 2023, beginning at 6:30 p.m.
Newport City Council Room

Google Meet joining info
Video call link: https://meet.google.com/tnm-qwxz-tpw
Or dial: (US) +1 443-671-8632 PIN: 923 244 345#

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

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

1. Call the Regular Council Meeting to Order
2. Additions/Deletions to the Agenda
3. Approve Minutes of October 2, 2023
4. Comments by Members of the Public
5. Presentation: Heidi Eichenberger
6. Presentation: Paul Hamelin VFWD Land Section Chief Right-of-Way- Donation [Anticipated VOTE]
7. Consider Development Review Board Appointments [Anticipated VOTE]
8. Consider new appointment to the Newport Recreation Committee [Anticipated VOTE]
9. Address Notice of Open Meeting Law Violation received on 10/10/2023 (Anticipated executive session pursuant to 1 V.S.A. § 313(a)(1)(F) for attorney/client communications).
10. Amend City Manager Job Description
11. City Manager Contract (Anticipated executive sessions pursuant to 1 V.S.A §§ 313(a)(1)(A), (F) and/or (a)(3) to discuss contract, confidential attorney client communications and the possible appointment or employment or evaluation of a public officer or employee).
12. Consider possible appointment of City Manager.
13. Consider creating position of City Grant Writer.
14. New Business
15. Old Business
16. Set next meeting: Regularly Scheduled Council Meeting: November 6, 2023 @ 6:30pm
17. Adjourn
Newport City Council Meeting Participation Guidelines

Newport City Council meetings are for the purpose of allowing Council members to conduct City business. Distinct from public hearings or town meetings, City Council meetings are held in public, but are not meetings of the public. City Council meetings are the only time the City Council members have to discuss, deliberate and decide upon City matters. In an effort to conduct orderly and efficient meetings, the Mayor kindly requests your cooperation and compliance with the following guidelines:

1. Please be respectful of each other, Council members, city staff, and the public.
2. Please raise your hand to be recognized by the Mayor. Once recognized, please state your name and address or affiliation.
3. Please address only the Mayor and not members of the public, staff, or presenters.
4. Please abide by any time limits. Time limits will be used to ensure everyone is heard and that there is sufficient time for the Council to complete their agenda within a reasonable timeframe.
5. The Mayor will make a reasonable effort to allow everyone to speak once before speakers address the Council a second time per the 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 use the hallway for side conversations. It is difficult to hear speaker remarks when side conversations are occurring in the Council Chamber.
10. Presentations to the Council are not open to public comment. However, per the policy adopted on December 21, 2015, matters on the agenda requiring a vote are open to public comment immediately prior to the Council vote.
11. Individuals who do not abide by these procedures will be asked to leave the Council Chamber.
A duly warned meeting of the Newport City Council was held in the council room in the Newport Municipal Building on Monday, October 2, 2023. Present were Mayor Linda Sullivan, Council President John Wilson, council members Kevin Charboneau, Chris Vachon and Clark Curtis, Interim City Manager Karen Geraghty, City clerk/treasurer James D. Johnson, Interim Fire Chief Kevin Lacroix, City Attorneys David Rugh, and Beriah Smith, Duncan Kilmartin, Recreation Director Mike Brown, Police Chief Travis Bingham, Public Works Director Thomas Bernier, Programs Director Rebecca Therrien, Asst. Clerk/Treasurer Stacey Therrien, NCDD Executive Director Rick Ufford-Chase, members of the Press and Public.

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

Additions/Deletions to the Agenda

Mr. Vachon moved to add to the agenda to ratify the actions taken by Ms. Geraghty during her employee as interim city manager around the USDA Community Facilities Grant in the amount of $119,637 as well as the resolution that retro active to August 7, 2023, MS. Geraghty in the role of Interim City Manager is authorized officially by the City of Newport to sign all documents of the USDA Community Facilities Disaster Grant in the amount of $119,637. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved to add to the agenda to entertain the discussion of the September 11, 2023, meeting minutes and to have them reflect what was stated and recorded on Mr. Johnson’s record and recording. Seconded by Mr. Charboneau, motion carried unanimously.

Public Comment

Melissa Pettersson, Paul Monette, and Woodman Page spoke about their support for Ms. Geraghty as City Manager and the delay in the appointment process.

Ms. Geraghty presented the council with a proposed contract and asked that the council appoint her City Manager so they can work together to gain the trust of the community.

Mayor Sullivan noted that all applications for City Manager were received after the deadline. Mayor Sullivan commented on changing the agenda and that the mayor and the council would be looking into sewer and water fund transactions.

Address Reasons for the Interim Fire Chief’s Appointment
Council members gave their reasons for appointing Kevin LaCoss Interim Fire Chief. Mr. Wilson moved to accept the reasons for hiring the Interim Fire Chief. Seconded by Mr. Vachon, motion carried unanimously.

**Consider Executive Session Policy and Ratifying the Attendance of City employees at an Executive Session held on September 6, 2023. Possible Executive session Pursuant to 1 V.S.A. sec 313(a)(1)(F)**

Attorney Rugh stated the Open Meeting Law does not require that the council name people invited into the executive session, but it is advisable to name invitees. Mr. Vachon moved to ratify the attendance of city employees at the executive session held on September 6, 2023. Seconded by Mr. Curtis. Discussion: Ms. Bjuring stated that in her opinion the fact that the council is ratifying attendance is an admission the council was in violation of the Open Meeting Law. Mr. Rugh pointed out for the record there was no action at the September 6th meeting. Vote: Vachon and Curtis in favor, Wilson and Charboneau against. Mayor Sullivan in favor, motion carried.

Mr. Vachon moved to accept the policy of publicly inviting and announcing individuals outside the council into executive sessions. Seconded by Mr. Curtis. Vachon, Curtis and Charboneau in favor, Wilson against, motion carried.

**Respond to Notices of Open Meeting Law Violations Received on September 22, 2023, and September 24, 2023, Possible Executive Session pursuant to 1 V.S.A. 313(a)(1)(F)**

Mr. Curtis moved to find that premature general public knowledge of confidential attorney client communications made for providing legal services to the city council would place the city at a substantial disadvantage because disclosure of the otherwise confidential advice and communication would harm the city by waiving the cities attorney client privilege pursuant to 1 V.S.A> 313(a)(1)(F). Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Curtis moved to enter executive session to discuss confidential communications with the city attorney for the purpose of providing legal services and invite the city attorneys David Rugh and Beriah Smith into executive session. Seconded by Mr. Charboneau, motion carried unanimously.

In open session, Mr. Curtis moved that the city council deny the alleged violation of the Open Meeting Law as noted in Ms. Bjuring’s letter dated September 22, 2023. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved that the city council deny the alleged violation of the Open Meeting Law as noted in Ms. Bjuring’s letter dated September 24, 2023. Seconded by Mr. Curtis, motion carried unanimously.

Mayor Sullivan reads a statement regarding the cost to the city in responding to frequent Alleged Open Meeting Law violations.

**Evaluation of Interim City Manager, Anticipated Executive session Pursuant to 1 V.S.A. 313(a)(3)**

No motion, no action.
Consider Approving a Construction Contract for the Causeway Streetscape Project

Mr. Wilson suggested an update of the project so the council would know what they are voting on.

Mr. Wilson moved to postpone approval of the contract. Seconded by Mr. Vachon, motion carried unanimously.

Consider Appointment of City Manager, Anticipated Executive session pursuant to 1 V.S.A. 313(a)(3)

Mr. Charboneau moved to find that premature general public knowledge of the discussion with the city attorney of the contract to be offered to Karen Geraghty would put the city at a disadvantage because it would reveal the negotiation strategy of the council and waive the confidentiality of the city’s confidential privileged communications pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Vachon.

Discussion: Attorney Kilmartin representing Ms. Geraghty stated that Ms. Geraghty presented a contract that would appoint her at her current salary with the same benefits under section 40 of the City Charter. This would allow her to be City Manager. Later, new, or additional terms can be negotiated. Mr. Rugh noted that the city has not engaged in negotiation yet, that is why we are going into executive session. Motion carried unanimously.

Mr. Vachon moved to enter executive session for the purposes of considering the contract terms presented by Ms. Geraghty for the position of City Manager and to invite the city attorney into executive session. Pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Curtis, motion carried unanimously.

In open session, no action.

Mr. Vachon moved to find that the premature general public knowledge of the cities discussion with the city attorney of a contract to be offered to Karen Geraghty would clearly place the council at a substantial disadvantage as it would reveal the negotiation strategy of the council and waive the confidentiality of the cities confidentiality and privileged communication pursuant to 1 V.S.A. 313(a)(3). Seconded by Mr. Charboneau, motion carried.

Mr. Vachon moved to enter executive session for discussion of the contract to be offered to Karen Geraghty or consider the appointment of Karen Geraghty as City Manager Pursuant to 1 V.S.A. 313(a)(3) and invite Karen Geraghty with her attorney and the city attorneys into executive session. Seconded by Mr. Charboneau, motion carried, unanimously.

In open session. Mr. Vachon moved to appoint Karen Geraghty, City Manager subject to her acceptance of the contract offer for the submission dated October 2, 2023, and for such offer to remain in standing until rejected, countered, accepted or to the call to order of the next regular city council meeting whichever occurs first. Seconded by Mr. Wilson, motion carried unanimously.

NCDD Presentation, Updates from Newport City Downtown Development
Rick Ufford-Chase updated the council on NCDD projects.

**NCDD Request for Attestation for Vibrancy Funding**

Mr. Wilson moved to approve the attestation. Seconded by Mr. Charboneau, motion carried unanimously.

**NCDD Request Approval for Wayfinding Signage on City Owned Bike Paths**

Mr. Vachon moved to approve wayfinding signage on city owned bike paths. Seconded by Mr. Charboneau, motion carried unanimously.

**Ratify any action taken by Ms. Geraghty during her employment as Interim City Manager on the USDA Community Facility Disaster Grant in the amount of $119,637 as well as the resolution retroactive to August 7, 2023. In the role of Interim City Manager to be authorized official of the City of Newport to sign all documents of the USDA Communities Facilities Disaster Grant in the amount of $119,637**

No action.

Entertain discussion of the September 11, 2023, council minutes and have them reflect what was recorded on Mr. Johnson’s record and recorded.

No action.

**New Business**

Attorney Rugh noted the Tax Sale on Thursday, October 5, 2023

The Mayor toured Track should be more coming from them over the next months. Introduced the Governor at the house remodeling on East Main St. Attended the hiring fair businesses are getting application for jobs. The Mayor and President of the Council attended an airport meeting. Met Diane LaPlant from the Welcome Center.

**Old Business**

Mr. Johnson noted tax bills will be mailed this week.

Mr. Vachon and Mr. Curtis signed the Interim fire Chief’s compensation letter. (approved at the previous meeting but missing their signatures.)
Next Meeting Date

October 16, 2023, at 6:30 pm.

Adjournment

Mr. Vachon moved to adjourn at 10:10 pm. Seconded by Mr. Curtis, motion carried unanimously.

Attested ______________________ this _____ day of ______________ 2023.

________________________________________ Mayor
MEMORANDUM

TO: Newport City Council
FROM: Paul Hamelin, VFWD Private Land Section Chief
DATE: Sept. 27, 2023
SUBJECT: Acquisition of right-of-way over land of Jeff Blank to South Bay WMA

Landowner: Jeff Blank
Location: West of 2753 Glen Rd, Newport City, Vermont
Acreage: 0.02 ac. (20 ft. X 50 ft. right-of-way)
Type of Acquisition: Right-of-Way Donation

Background and Significance:
The Little Barton River, also known as Miller’s Creek, has been a popular site for waterfowl hunting, fishing, and wildlife viewing since at least the early 1960’s. The creek provides small boats an efficient access to approximately 1100 acres of marshes, floodplain swamps, and the Barton River which comprise a substantial portion of the South Bay Wildlife Management Area (WMA). Watercraft access to the Little Barton River eliminates the need to navigate the entire 2-mile length of South Bay of Lake Memphremagog to reach the WMA. This access via the Little Barton River, in close proximity to the WMA wetlands and Barton River, spares waterfowl hunters from crossing the open water of South Bay during early A.M. darkness, potentially in high winds and the inclement weather associated with waterfowl hunting. The ability for canoeists and kayakers can finish a paddle trip down the Barton River by landing at the site of the proposed right-of-way spares wildlife watchers, anglers and other recreationists a long paddle into strong headwinds down the length of the open water bay. For these reasons, the site of this proposed right-of-way has been used by the public to access the wetlands and river for at least 6 decades.

For many years it was assumed by both the public and VT Fish & Wildlife Department (VFWD) that the WMA land along the Little Barton River extended to the public right of way edge of the Glen Road beyond a point south of Northern State Correctional Facility, and
therefore the access road leading to the Little Barton River from Glen Road was entirely within the WMA (Figure 1). However, in 2007 it was brought to the attention of the VFWD that Jeff Blank owned a strip of land approximately 50’ wide between the Glen Road and the actual WMA boundary (Figure 2). Because a portion of the access road lay on private land, VFWD removed a sign indicating access to the WMA, and discontinued publicizing the site as a VFWD access to South Bay WMA. Mr. Blank continued to allow public access to the WMA over his property, and the traditional uses continued uninterrupted to the present day.

In July of 2023, Mr. Blank graciously offered to donate a legal public right-of-way over the access road on his land to VFWD. The establishment of this right-of-way will permanently guarantee public access to the traditional boat launch site, ensuring that a future owner of the Blank property cannot prohibit public use of this popular site (Figure 3). The donated right-of-way will enable VFWD to install a VFWD access sign to facilitate public use, allow VFWD to promote the site on maps and websites as a public access, justify VFWD funding maintenance on the gravel access road, and enable VFWD to maintain the site (remove litter, roadside vegetation maintenance) as a VFWD boating access.

![Figure 1. Proximity of the proposed Blank Access right-of-way donation to South Bay WMA.](image)
VFWD would fund costs for a land survey to set pins designating the right-of-way, legal fees, deed recording and other associated expenses. A small gravel roadside pull-off on WMA property adjacent to the Glen Road, about 50 feet north of the right-of-way entrance, provides parking for 3 or 4 vehicles, and is wide enough to safely accommodate trailers for small watercraft. Recreationists who use the site for watercraft access park there now, and have parked there for many years. Due to the marsh conditions and shallow water at the site, VFWD has no intention of installing any type of ramp, dock, or additional infrastructure at the site; the intention of the right-of-way is to secure legal public access for vehicles to reach the water’s edge, maintaining the current tradition of launching and landing paddle craft and small, manually handled boats.

Although this proposal is not for acquisition of property in fee, but only a legal interest in the land via conveyance of a right-of-way, VFWD respectfully requests approval of this transaction by the Newport City Council.

![Proposed Right-of-Way 20’W X 50’L](image)

Figure 2. Proposed right-of-way location over Jeff Blank property.
Figure 3. Proposed right-of-way road access to South Bay WMA.
October 12, 2023

The DRB would like to ask the council to consider Melissa Petterson to be a full time member of the DRB. Also to change Denis Chenette status from alternate to a full time member.

Thank you for your time.

Sincerely yours,

Agathe Coburn

Vice Chair
September 19, 2023

Mr. Johnson,

I am writing to express my interest in becoming a member of the Development Review Board (DRB). Having served on the City Council for four years (March 2019 – March 2023) I have become very aware of the many moving parts that make up an economically stable and desirable community.

I understand the role of the DRB is to provide the careful navigation required to support the development integrity of the city. The DRB plays an important part as Newport is a city of limited land available for development along with the of existence of many small building lots. This reality creates the necessity of balancing the need for development that can accommodate the desires of individuals or developers and prudent judgment required for the issues that come before the DRB.

What I can bring to the DRB is 40 years of continuous public service to the local area, a vested interest in the well-being of Newport City and experience serving on public boards. What I don’t bring is a personal agenda.

What I expect, if chosen to serve, is a learning curve as I familiarize myself with the details of the process. I would like to be free to ask questions of those with experience and hope that others would be forthwith in sharing their knowledge with me. My desire is to serve with integrity and ethics, with the good of the city the core of my service.

Respectfully submitted,

[Signature]

Melissa Pettersson

CC: Frank Cheney, Zoning Administrator
Mr. James D. Johnson  
Newport City Clerk/Treasurer  
222 Main Street  
Newport, VT  05855  

28 Sep 2023  

Good afternoon Mr. Johnson,  

Please accept this letter as request to change my status of alternate on the Newport City Development Review Board to that of full member. This will allow the board to have more competent complement of active members.  

Should you have any questions, please feel free to contact me via email or call me at 334-6001.  

Respectfully submitted,  

[Signature]  
Denis A. Chenette  

cc: Mr. Francis Cheney
MEMO

To: Newport City Council
    Linda Sullivan, Mayor

From: Jaime Comtois, Recreation Committee Chair

Date: October 11, 2023
Re: Appointments

The Newport Recreation Committee recommends the following for new appointment to the Newport Recreation Committee:

Aaliyah Wilburn - New appointment for a one year term ending in 2024.

Aaliyah is a high school student from North Country. We want to add a senior from the high school to give them experience on a community committee, practice interview skills, and to hear a point of view that we might be missing. Aaliyah did a great job interviewing to be on the committee and has spoken up about what teens would like to see for recreation in our community. She will be a wonderful addition.

Existing Recreation Committee Members:
Jaime Comtois (Newport) - Reappointment for 2 year term ending 2025
Kelli Rhodes (Brownington) - Reappointment for 2 year term ending 2025
Jennifer Smith (Newport) - Reappointment for 2 year term ending 2024
Sean Pilkner (Newport) - New appointment for 2 year term ending 2024
Nick Whitehouse (Newport) - New appointment for 2 year term ending 2024
Matt Kiley (Newport) - New appointment for 2 year term ending 2024

Enclosures: Letter of Interest from Aaliyah Wilburn
Dear Newport Recreation Committee,

I am Aaliyah Wilburn, an upcoming senior at North Country Union High School in Newport, Vt. I believe I am a great candidate for a seat on the committee simply because of my experiences and what I have done with them since I have been in Vermont. Having grown up down south and then moving here, I have a first-hand experience of seeing where things differ. Whether they are in the classroom or out in the community and surrounding ones, there is a distinct difference. While every community has its flaws, I strongly believe if we work as a team, we can bring diversity, equity, and inclusion into our community with everything we do!

I have witnessed the disparities between different groups of people and as a person of color, I have actually experienced the difference in treatment on a personal level. Due to this, I have done a lot of work around bettering the communities in Vermont through education. I have gone to many conferences and have educated myself a ton in order to be able to educate others. I believe that with not only my experiences and leadership skills, but also my perspective as a student, I could bring something great to the table.

I am very involved with my community because it means that change is on its' way. This is another opportunity to bring equity and inclusion into our community. I'd love to have the chance to be a part of the conversation and make sure everyone in our beautiful community is heard and thought about!

Sincerely,

Aaliyah Wilburn
CITY MANAGER

City of Newport City Manager Job Description

Scope of Work:

The City of Newport seeks an experienced, thoughtful, community leader with excellent communication skills to serve as City Manager.

The City Manager is the Chief Administrative Officer for the City responsible for overseeing and directing the day-to-day affairs of the City government under the direction and supervision of the City Council. The City Manager serves as the administrative head of all City departments and is responsible for the efficient administration thereof. The City Manager serves at the pleasure of the City Council.

Specific Duties and Responsibilities:

- Develop proposed policies and procedures for the day-to-day operations of the municipal government for review and adoption by the City Council.
- Implement policies and procedures adopted by the City Council.
- Attend City Council Meetings as directed by the Council; make recommendations for adoption by the City Council.
- Assist in preparation of meeting agendas and provide support to City Council as needed.
- Prepare and submit a proposed annual budget for consideration by the City Council in consultation with Department Heads, City Treasurer, and others.
- Mindful of the scope of authority granted by the City Charter, App. 7-9, to the Mayor, oversee and manage the City’s budget in a fiscally sound manner and keep the City Council apprised of the City’s financial condition and its future needs.
- Communicate with the City Attorney and copy the Mayor (or the City Council President when the Mayor is absent or has a conflict of interest) on all written or email correspondence with the City Attorney.
- Develop in consultation with Department Heads a proposed comprehensive five-year capital improvement plan and strategic plan for annual review and approval by the City Council.
- Identify grant sources and present proposals to the Council for consideration; if approved by the Council, oversee preparation of grant application; oversee administration of grants received to ensure all funding and operational requirements of the grant sources are met and that all grants applied for comply and are consistent with the City’s policies and procedures.
- Serve as the City Council’s liaison with regional, state, and federal agencies; keep the City Council and other City Boards apprised of the activities of and interactions with these agencies as they relate to the operations and needs of the City.
- Unless directed otherwise by the City Council, collect delinquent taxes and sewer and water fees.

1 In accordance with the City of Newport Charter, App. §7-7, the Mayor is a member of the City Council. All references to City Council herein also refer to the Mayor.
- As directed by and as approved and authorized by the City Council, execute deeds, deeds of trust, easements, releases, and other instruments binding the City to financial obligations.
- Implement negotiated agreements for the City Council.
- Appoint, excepting as otherwise provided for by the City Charter, all officers, and employees of the City; perform the duties of such officers and employees as designated by the City Council.
- Administer and enforce the ordinances and bylaws of the City of Newport whose enforcement is not specifically delegated to others.
- Research, analyze, and make recommendations for cost effective improvements in City operations.
- Prepare and submit to the Council such reports as may be required by the Council, or as the Council may deem advisable to submit.
- Assist with City functions and perform any other duties as determined or directed by the City Council.

**Qualifications and Experience:**

- Demonstrated experience managing personnel and leading management team; ability to build and maintain positive relationships with employees, colleagues, stakeholders, and community partners.
- Demonstrated understanding of finance and financial management; ability to manage the City’s budget and resources effectively.
- Excellent communication skills, including ability to interact professionally with citizens, including irate citizens, employees, colleagues, stakeholders, other local, state, and federal officials, contractors, and community partners, and to articulate ideas and plans in a clear, concise, and compelling way; ability to listen and respond to feedback, ensuring that employees and stakeholders feel heard and valued.
- Demonstrated ability to develop clear and comprehensive strategic plan for City’s growth and development.
- Demonstrated ability to identify, analyze, and solve problems quickly and effectively.
- Demonstrated understanding of municipal law, labor regulations, community engagement, and intergovernmental relations.

**Other Job Characteristics:**

- The City Manager is an exempt employee under the Fair Labor Standards Act (FLSA). They may be required to work more than forty (40) hours per week and must have the ability to effectively manage their time. The City Manager may be required to prepare for and attend evening meetings.
- The City Manager works primarily in an office setting.
- Travel may be required to and from meetings, trainings, and to other activities; City Manager must provide own transportation, unless use of a City-owned vehicle is approved by the City Council and available for use.
• The City Manager will receive a competitive salary and benefits in accordance with the City of Newport's Personnel Policy.

DISCLAIMERS

The above information is intended to describe the general nature of this position and should not be considered a comprehensive statement of duties, activities, responsibilities, and requirements. This job description is neither an employment contract nor a promise of work for any specific length of time. This job description is subject to amendment by the City Council from time to time. This job description supersedes all prior City Manager job descriptions.

The City of Newport is an equal opportunity employer.

Adopted by City Council and Approved by Mayor on __________.
REPORT OF KAREN E. GERAGHTY, NEWPORT CITY MANAGER IN THE INTERIM
DATE: OCTOBER 13, 2023
TO: THE CITY COUNCIL, BOARD OF ALDERMEN, AND THE VOTERS AND
TAXPAYERS OF THE CITY OF NEWPORT
(Newport City Charter, City Manager § 40.a (3)&(5))

PREFACE:
If this Report ends with my termination as City Manager in the Interim, or the failure to be
appointed permanent City Manager under fair contract terms, this Report will stand as
testimony as to what is definitely causing the current dysfunction of Newport City government.

If this Report aids in my being appointed permanent City Manager, under fair contract terms,
this Report will stand as a Roadmap, as to what the City should undertake in reconciling the
various conflicting sources of authority for Newport City government, to best serve the voters,
taxpayers, and the employees of the City.

INTRODUCTION
In accordance with my duties and responsibilities, as Newport City Manager in the
Interim (hereinafter “City Manager”), I am providing the Board of Aldermen, as a separate
Board, and as a constituent part of the City Council, with information to support, and make1
recommendations, in regard to the Agenda for Monday, October 16, 2023, prepared by the
Mayor and City Attorney Mahusky to my office.

I will also make recommendations to the Board of Aldermen, and City Council, as City
Manager independent of this particular Agenda for October 16th.

I believe that the information I am presenting can be immediately employed by the 4
Aldermen, while some of my recommendations may only be achievable with the assistance of a

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1 The duties and responsibilities under which I am authorized, are clearly spelled out in Section 40 of the Newport City Charter, and
the Job Description attached to my Interim Contract, approved by the City Council May 22, 2023. This Report is prepared under the
authority of my duties as set forth in Section 40.a,(3) and (5). of the Charter; (3) to recommend for adoption to the Council such
measures as he or she (the City Manager in the Interim) may deem necessary or expedient; (5) to prepare and submit to the Council
such reports as he or she (the City Manager in the Interim) may deem advisable to submit:
competent City Manager, assisting the Board of Aldermen and the Council, to advance forward
the healing of the current dysfunctions in Newport City government and operations.
I also offer this Report, to serve and advance, the best interests of the voters and taxpayers of
the City of Newport, to whom we owe our primary loyalty, fidelity, and allegiance, and who are
the ultimate authority in all matters of City government.

I want to inform the 4 members of the Board of Aldermen, that it appears to me, that they are
unaware of their independent powers and authority, under the City Charter, and other applicable
laws.

I also want to inform them of tensions, conflicts of interest, and the division of powers and
authority among the Mayor, the Board of Aldermen, and the City Council, when functioning
jointly with the Mayor, as I have personally observed during my tenure as City Manager.

As explained to me, by City Attorney David Rugh, when I was first appointed City Manager,
there are three sources, which define the authority, roles, and powers, of the Mayor, Aldermen,
and City Manager, which are in significant conflict and tension. These sources are the Charter,
state statutes, and the City’s Rules of Procedure.

I would add a fourth source: the various City Manager job descriptions that have been created
and are being created, before and after my original appointment as City Manager in the Interim.

My experience confirms David Rugh’s observations in ways too numerous to outline here.

What follows, under topical headings are the information I want to present, and where
appropriate, my recommendations.

CITY ATTORNEY: DUAL REPRESENTATION; AUTHORITY OF BOARD OF
ALDERMEN TO RECEIVE LEGAL ADVICE DIRECTLY, INDEPENDENTLY, AND
CONFIDENTIALLY, FROM THE CITY ATTORNEY.

The following is the current City Attorney provision of the City Charter
24 App. V.S.A. c. 7 § 21
§ 21. City Attorney

It shall be the duty of the City Attorney to prosecute and defend all suits by or against the
City or in which the City is interested, to prosecute for all violations of the City ordinances, and
to advise the Mayor or Council when requested by them upon any legal questions arising
relative to the affairs of the City, and to perform all the duties imposed by law upon town
agents.
24 App. V.S.A. c. 7 § 21; VT ST T. 24 App. c. 7 § 21
CITY MANAGER COMMENT:
Based on my reading of the City Attorney's duties, and my experience as City Manager, the City Attorney has the duty to advise the Mayor, and the Council, independently, separately, and confidentially, when each requests legal advice.

My observation is that the 4 Aldermen, either do not know of their rights to request that the City Attorney give them independent advice, or they have been led to believe that they must yield to, or go thru, the Mayor, to get legal advice confidentially, independently, and directly from the City Attorney.

I believe that the current situation, as I observe it from my position as City Manager, may arise from:

1. The **NEWPORT CITY RULES OF CITY COUNCIL MEETINGS**, parts “D. AGENDAS” and “F. PUBLIC PARTICIPATION, Particularly “F. 4, 6, and 7”. F.7. gives extraordinary powers to the Mayor, but the entire RULES should be reviewed by the City Aldermen, exclusive of the involvement of the Mayor, with the City Attorney, and revised in a manner to be consistent with common sense and the law.

2. 24 App. V.S.A. c. 7 § 9 **Powers of Mayor; City Council**. I am attaching this section in Appendix A, because it is too long to repeat here. However, this provision was enacted long BEFORE Newport City adopted City Manager governance in March 1967, and has largely been replaced by Charter, Section 40, City Manager, who now performs most of the former functions of the Mayor. Until 1967, the Mayor was the “City Manager”, but that all changed in 1967.

3. 24 App. V.S.A. c. 7 § 10 **Mayoral approval and Board of Aldermen reconsideration of vetoed actions**. Again, I am attaching this section in Appendix A, because it is too long to repeat here. However, §10, enacted when the Mayor held the position of “Governor” of the Executive Branch of Newport City government, and the 4 Aldermen were the Legislative Branch, and before City Manager governance, is a very important source of the conflicts and tensions which we are currently experiencing.

Under this provision, the Mayor, as “governor”, has a VETO power of any ordinance, bylaw, resolution, appointment, or contract made or voted upon by the City Council. The VETO POWER is independent of the Mayor’s POWER to break a tie vote of the Board of 4 Aldermen.

Thus, in my opinion, as City Manager, the Mayor should not be allowed in Executive Sessions, because the Mayor has no role to play until the 4 Aldermen approve the Appointment or Contract in a public meeting, at which time the Mayor will have a chance to sign it, or have 14 days before the next regular City Council Meeting TO VETO it, with the Mayor’s reasons for VETO being WRITTEN and in PUBLIC, FOR THE ULTIMATE AUTHORITY, THE VOTERS AND TAXPAYERS TO SEE.

4. Another possible reason for the conflicts, confusion, and tensions, is a misunderstanding of the meaning of the term “City Council”. I recognize that part of the confusion and conflicts, is caused by changes of terminology in both the City Charter, and state law,
since 1917, when the City obtained its original Charter, and until 1967, when the City adopted City Manager governance, under §40 of the Charter.

However, regardless of changes in terminology, and its possible inconsistent use in charter amendments after 1917, there is an abiding difference between the Board of (4) Aldermen, the Mayor under our current City Manager form of governance, and the City Council.

The following is a quote from the Charter, which demonstrates the truth of my opinion and City Attorney David Rugh’s observations and advice, when I was first appointed.

"§ 7. Mayor and Board of Aldermen as City Council

The administration of all fiscal, prudential, and municipal affairs of said City, and the government thereof, shall be vested in the Mayor and Board of Aldermen. The Board of Aldermen shall consist of four aldermen, who shall elect one of their number President of said Board. The Mayor and Board of Aldermen, in their joint capacity, shall be called the City Council. The Mayor and aldermen shall be sworn to the faithful performance of their duties. The Mayor and aldermen shall receive such compensation as the City shall determine at its annual or any special City meeting."

Great confusion arises as to the meaning of the phrase, “in their joint capacity”. What does that mean, and to what does that apply, especially in view of Charter §40 City Manager?

I do not profess to have the answer, and I suspect the City Attorney has no definitive answer.

It may have to be answered by the Courts, by Charter amendment, or by using the Aldermen powers within the current Charter, if available.

Unfortunately, the Charter has not caught up with the realities of City Manager governance, even under §40, City Manager, much less other state law.

I doubt any current member of the Council, except possibly John Wilson, knows about the Mayor’s VETO POWER, over any ordinance, bylaw, resolution, appointment², or contract, which they pass or approve, even if the Mayor has participated in the negotiations, and/or approval, (within or outside of Executive sessions).

In my opinion, the City Council, in their capacity as 4 Alderman, should ask the City Attorney to advise them separately and independently of the Mayor, as to how to conduct Executive

² If the Council and I reach an Employment Agreement, Mayor Sullivan can VETO IT, AND AT LEAST 3 MEMBERS OF THE ALDERMAN ON THE COUNCIL, MUST OVER-RIDE MAYOR SULLIVAN’S VETO.
sessions, with legal counsel or without, to approve ordinances, bylaws, resolutions, appointments, or contracts, independently and without the presence of the Mayor, including amendments to the City Charter, new Rules of Procedure for the Conduct of Council Meetings.

CONCLUSION

Some reading this City Manager’s Report, may think it applies to my appointment as permanent City Manager, or I am doing it for self-serving purposes.

Nothing could be further from the truth.

Why?

I serve at the pleasure of the City Council, in reality at the pleasure of the 4 Alderman, any three of whom can terminate me from my present position by a public vote. I am an “at will” appointee! I can be fired without cause, at any time by a vote of 3 of the 4 Aldermen.

I am doing this:
First, for the benefit of the voters and taxpayers of the City of Newport, to whom I, the Board of Aldermen, and the Mayor, owe our full loyalty, integrity, and fidelity.

Second, for the benefit of the 4 Aldermen, so they can exercise their full and complete powers, independent of inappropriate pressure and influence from other public officials, for the benefit of the voters and taxpayers of the City of Newport, who we all serve.

Third, for the benefit of all City employees under the City Manager’s authority, so that the City operations managed by the City Manager, are run efficiently, effectively, and fairly, without inappropriate, illegal, and defamatory, influence and pressure from any source, regardless of the source’s position, status, or claimed “influence”.

Fourth, for the benefit of whoever may succeed me, either as City Manager in the Interim, or permanent City Manager with the full powers of the City Manager.

Fifth, from my own good conscience in service to the City of Newport.

Respectfully submitted, Friday, October 13, 2023.

Karen E. Geraghty, Newport City Manager in the Interim