

Council Minutes

2nd Public Hearing Minutes Proposed Charter revision

September 14, 2026

A duly warned Council Meeting and Public Hearing was held on Monday, September 14, 2026 in the council room in the Newport City Municipal Building. Present were Mayor Rick Ufford-Chase, Council President Carter Finegan, council members John Monette, Sharon Pare', Andrew Touchette, City Manager Joe Gunter, City Clerk/Treasurer James Johnson, Attorney Dave Rugh, Charlie Pronto, Travis Gaines, Mike Marcotte, Laurie Grim, Dani Grant, Denis Chenette, members of the Press and Public.

Mayor Ufford-Chase called the meeting to order at 6:00 PM.

Additions/Deletion

None.

Consent Agenda

Minutes of 8/20/26, 9/3/26

AP Warrants 8/21/26, 2/28/26, 8/28/26, 9/4/26, 9/11/26, 9/14/26

PR Warrants 8/18/26, 9/1/26

Mr. Touchette moved to approve the consent agenda. Seconded by Mr. Monette, motion carried.

Public Comment for Items not on the Agenda

Jay Walsh commented on the open meeting violation regarding the warning of the Special Meeting.

Teresa Gerade commented on the draft Leachate Permit

Laurie Grim commented on a new local group called Rural Vermont Rising

Second Public Hearing for Proposed Charter Changes

Ms. Finegan moved to enter into the Public Hearing for proposed charter changes. Seconded by Mr. Touchette, motion carried.

Ms. Hopkins presented a list of capitalization and punctuations changes.

Section 7,

Ms. Finegan moved to add the words non salaried before volunteer fire fighters and in the last line delete City and add members after council. Seconded by Mr. Monette, motion carried.

Ms. Finegan moved to approve the second paragraph. Seconded by Mr. Touchette, motion carried.

Section 9

Mr. Monette moved to approve section 9. Seconded by Ms. Finegan, motion carried.

Section 10

Mr. Monette moved to add subsections A and B. Seconded by Ms. Finegan, motion carried.

Section 18

Ms. Finegan moved to delete the last sentence. Seconded by Mr. Touchette, motion carried.

Mr. Monette moved to capitalize members and approve section 18 as amended. Seconded by Ms. Finegan, motion carried.

Section 20

Mr. Monette moved to delete "or election" from subsection A. Seconded by Mr. Touchette, motion carried.

Mr. Monette moved to add City after special in line four and delete in the City shall. Seconded by Mr. Touchette, motion carried.

Mr. Monette moved to delete anticipated in line seven and add current. Seconded by Ms. Finegan, motion carried.

Mr. Monette moved to delete anticipated in line nine and add current. Seconded by Mr. Touchette, motion carried.

Mr. Monette moved to delete anticipated and have been and add current and will be in line 10. Seconded by Ms. Finegan, motion carried.

Mr. Monette moved to add City after special in line 12. Seconded by Mr. Touchette, motion carried.

Section 28

Subsection A-6, Mr. Monette moved to add in consultation with the City Treasurer, process payroll, employee benefits and tax withholdings Seconded by Ms. Finegan, motion carried.

Section 13

Ms. Finegan moved to add in consultation with the City Manager. Seconded by Mr. Touchette, motion carried.

In review,

Section 7

Mr. Monette moved to add City after special in paragraph one. Seconded by Ms. Finegan, motion carried.

Attorney Rugh will have a clean copy available by Friday.

Mr. Monette moved to close the second Public Hearing. Seconded by Mr. Touchette, motion carried.

City Manager's Report (attached)

Progress to Date on the Audit for FY26

City Manager Joe Gunter noted the audit is on track.

Revolving Loan application Wastewater Treatment Facility

Ms. Finegan moved to approve the Revolving Loan application and appoint Joe Gunter as the authorized representative. Seconded by Mr. Touchette, motion carried.

Preliminary Wastewater Allocation Application and Application for Water Allocation, Gary and Lauren Gillespie

Tabled until next meeting.

Use of Reappraisal Reserve Funds

Mr. Monette moved to approve \$50,000 of the Reappraisal Reserve fund to start the reappraisal process. Seconded by Mr. Touchette, motion carried.

Consideration of Contract with VLCT for Consulting Services Regarding Economic Development

Ms. Finegan moved to approve the contract for consulting services between the City and VLD=CT.
Seconded by Mr. Touchette, motion carried.

Task Force Reports

Water/Sewer, no report

Financial Reporting and Fiscal Practices, Meeting next week, working on policies

Fire Department, Still entering data into program

Executive Session per 1 V.S.A. sec 313(a)(2) for receiving an Update from Newport Downtown Development Regarding Sensitive Real Estate Matters Related to Development Plans for Downtown Newport.

Mr. Touchette moved to enter into executive session and invite Dave Laforce and Joe Gunter into the session. Seconded by Mr. Monette, motion carried.

Ms. Finegan moved to come out of executive session. Seconded by Mr. Monette, motion carried

No action.

Executive Session per 1 V.S.A. sec 313(a)(2) for receiving an Update from Newport Downtown Development Regarding Sensitive Real Estate Matters Related to Cell=Phone Tower Lease.

Ms. Finegan moved to enter into executive session and invite Dave LaForce and Joe Gunter into the session. Seconded by Mr. Touchette, motion carried.

Ms. Finegan moved to come out of executive session. Seconded by Ms. Pare', motion carried.

No action.

Discussion Regarding offer for Cell-phone Tower Lease

Discussion on long term sale/lease of cell tower at the reservoir.

New Business

Ms. Finegan commented on the Rec Dept. coin drop.

Ms. Pare' thanked the council for their support of the Charter task force.

Old Business

None

Next Meeting Date

Mr. Monette moved to set the next meeting for September 21, 2026. Seconded by Mr. Touchette, motion carried.

Adjournment

Ms. Finegan moved to adjourn at 10L40 PM. Seconded by Ms. Pare' motion carried.

Attested James Johnson This 21st Day of September 2026

Carla Jorg Mayor president of the Council

Summary of a few weeks

- I've been reviewing the budget just to familiarize myself with it. I'll have some questions for Chip when I'm done reviewing
- I'm going to start the budget process this week with Karl. I want to get out in front of this process
- I'm also reviewing current distribution of labor. I want to better learn who does what and how they do it. There may be efficiencies to gain by adjusting who does what.
- I'm reaching out to contractors to get a sense for cost and scope of the work needed for the NBRC grant
- I'm reviewing the purchasing policy.
- I've reached out the state economist about getting a report to implement the local option tax.
- And I need to thank Tom and his crew. They moved the furniture in my office and even mopped the floors and wiped down the surfaces. It's looking much better in here.
- I'm still working to get the cell tower lease finalized.
- The Lakemont project is wrapping up. Tom has a company coming in this week to chlorinate the line and hopefully bring it online. We still need to bill for the project.
- Staff are reviewing the plans for the Sacred Heart housing project. We meet on site Thursday with Patrick and his team.
- The Budget worksheet is complete. Karl and I will wrap this up and get it to staff Early Sept.
- I'm working on a water/sewer budget worksheet and a rate sheet to better calculate rates and fees.
- We are working through the union negotiations
- I met with the school superintendent. We talked intern program and the high school building.

September 14, 2026

To: Newport City Council, Mayor Rick Ufford-Chase, and City Clerk

From: Jay Walsh, Newport City Resident

Subject: Open Meeting Law Complaint Under 1 V.S.A. § 314 — Deficient Warning for Public Hearing on Charter Amendments

Honorable Mayor, Members of the City Council, and City Clerk,

Pursuant to **1 V.S.A. § 314**, I am filing a formal complaint alleging a violation of Vermont's Open Meeting Law.

Alleged Violation

The warning for the public hearing on the proposed charter amendments does not satisfy the requirements of **1 V.S.A. § 312** and **17 V.S.A. § 2642(a)(2)**. Specifically:

- The warning bundles multiple, distinct charter changes into a single article, failing to "specifically indicate the business to be transacted" by separate articles as required by § 2642(a)(2).
- The warning does not provide sufficient notice of the specific questions to be voted upon, depriving the public of a meaningful opportunity to participate.

Specific Relief Requested

I request that the Council:

1. Acknowledge the deficiency in the warning.
2. Re-warn the public hearing with separate articles for each distinct charter change.
3. Provide a written response within **10 calendar days** of receiving this complaint, as required by 1 V.S.A. § 314(a)(2).

Additional Documentation

A full statement of my legal objection is attached as Exhibit A. The warning at issue is attached as Exhibit B.

Respectfully submitted,

Jay Walsh

91 Jackson St.

Newport, VT 05855

413-329-1755

jaywalsh@usa.net

EXHABIT A – Legal Arguments

Date: September 14, 2026

To: Newport City Council, Mayor Rick Ufford-Chase, and City Clerk

From: Jay Walsh, Newport City Resident

Subject: Formal Objection to the Public Hearing Warning for Violating 17 V.S.A. § 2645, 17 V.S.A. § 2642(a)(2), and the "Reasonable Certainty" Standard

Honorable Mayor, Members of the City Council, and City Clerk,

I am writing to formally object to the warning for the public hearing on the proposed charter amendments. The warning, as currently drafted, violates the explicit requirements of **17 V.S.A. § 2645** by bundling multiple, distinct charter changes into a single, all-or-nothing vote. This is not a matter of convenience—it is a matter of law.

1. The Warning Itself Demonstrates the Violation

The warning describes the proposed action in the plural: "proposed amendments" and states they "contain the following sections." This language acknowledges that the proposal contains multiple, distinct amendments and sections covering numerous distinct legal changes. By its own terms, the warning identifies more than one separate proposal to be decided.

2. The Legal Requirement: Separate Votes on Separate Proposals

17 V.S.A. § 2645(7)(B)(i) requires that the ballot "shall permit the voter to vote on each separate proposal contained within the charter proposal." This is a command, not a suggestion.

A city charter is not a single, monolithic law. It is a collection of distinct provisions, each carrying the full weight of law and having specific, independent legal effects. The Vermont League of Cities and Towns clarifies that "a charter is a legislative enactment and, as such, it has the same status as a statute." Each provision within that charter is a specific grant of power. Changing the form of government is a distinct legal action from changing the method of appointing the Treasurer. Each action affects a different specific power granted by a different provision.

This is precisely why § 2645 requires a vote on "each separate proposal" contained within a charter proposal. The law recognizes that a charter proposal is a package of distinct legal changes, and voters must be able to consider each one independently. Bundling multiple distinct changes—such as altering the form of government, changing the method of appointing officials, and modifying property sale rules—into a single vote denies voters this fundamental right.

3. The "Too Long or Unwieldy" Clause

17 V.S.A. § 2645(7)(B)(ii) states:

"If the legislative body determines that the charter proposal is too long or unwieldy to be shown in the amended form, voters shall be permitted to vote upon each separate proposal in its entirety in the form of a yes or no proposition."

Let us break this down:

- **"Vote upon"** is the action.
- **"Each separate proposal"** is the **only direct object** of that action.
- **"In its entirety"** modifies **"each separate proposal"** —meaning the full content of that specific proposal.
- **"In the form of a yes or no proposition"** modifies the action **"vote upon"** —describing the **format** of the vote on each separate proposal.

The phrase **"in its entirety"** refers to **"each separate proposal,"** not to the entire charter package. The statute does **not** say "voters shall be permitted to vote upon **the charter proposal** in its entirety in the form of a yes or no proposition." It says **"each separate proposal."**

The grammatical structure is unambiguous: the "yes or no proposition" applies to **each separate proposal** individually. The exception is about **format**, not about **merging**. It allows a simplified ballot format for each separate proposal, but it does **not** authorize combining multiple separate proposals into a single question.

Grammar as applied to the law. Vermont Supreme Court applies the **Plain Meaning Rule** as the foundational principle of statutory interpretation, **and grammatical analysis is the very tool the Court uses to discern that plain meaning.** Under this rule, the Court presumes that the "Legislature intended the plain, ordinary meaning of the statutory language", and this meaning is derived from the **"grammatical sense"** of the words as they are written. The Court has emphasized that it **"look[s] to the plain, ordinary meaning of the language"** and accepts its plain meaning to determine legislative intent.

So, the legislative intent here is clear: **Warn each separate proposal...**

4. The Warning Violates the "Separate Articles" Requirement Under 17 V.S.A. § 2642(a)(2)

17 V.S.A. § 2642(a)(2) requires that the warning "shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions to be voted upon." This is a statutory command.

The Vermont Supreme Court has affirmed this requirement in multiple cases:

- *Pominville v. Addison Central Supervisory Union* (1990): The Court cited 17 V.S.A. § 2642(a), noting that the warning "shall, by separate articles, specifically indicate the business to be transacted."
- *Clift v. City of South Burlington* (2007): The Court held that the annual meeting warning must include the business to be transacted "by separate articles," as required by 17 V.S.A. § 2642(a).
- *Brochu v. Brown* (1970): The Court acknowledged the general rule that the warning for a meeting "shall, by separate articles, specifically indicate the business to be transacted."

By bundling multiple distinct charter amendments into a single article, the warning violates the "separate articles" requirement of § 2642(a)(2). The warning does not specifically indicate each distinct business item, depriving voters of clear notice of each issue they will be asked to decide.

5. The Warning Fails the "Reasonable Certainty" Standard

Vermont case law establishes that a town meeting warning must set forth the business to be done and the subjects to be considered "with reasonable certainty as will notify all interested in the subject matter of the proposed vote or action of the town." This standard was established in *Brochu v. Brown* (1970) and reaffirmed in *Town of Milton v. Bert's Mobile Home Park, Inc.* (1971).

A warning that bundles multiple distinct charter amendments into a single take-it-or-leave-it article does not provide reasonable certainty of what is being voted on. Voters cannot know, from the warning alone, that they are being asked to approve fundamental changes such as a new form of government, the appointment of the Clerk and Treasurer, and new property sale rules. This violates the "reasonable certainty" standard.

6. City Clerk's Certification Requirement — 17 V.S.A. § 2645(b)(2)

The City Clerk cannot verify individual votes because a bundled vote provides no separate results for each separate proposal and the distinct legal changes, adoptions, repeals, or amendments. The certification required by § 2645(b)(2) becomes impossible, and the resulting filing is incomplete. This is not a procedural technicality—it is a fundamental violation of the law's requirement that voters be permitted to vote on each separate proposal individually, and that the Clerk attests to and reports the individual votes on these separate proposals.

7. The Warning Is Misleading and Deprives Voters of Informed Consent

Vermont courts have long recognized that voters must be enabled to "act deliberately and intelligently" and that the will of individuals must not be subjected to confusion or deception.

The bundled ballot question is inherently misleading because it presents multiple distinct amendments as a single proposition. Voters who support some amendments but oppose others are forced to vote "yes" or "no" on the entire package, denying them the ability to express their true preferences.

This practice—known as "logrolling"—has been condemned by courts across the country, including in *Fine v. Firestone* (Fla. 1984), where the court declared that "combining multiple propositions into one proposal constitutes 'logrolling,' which, if our judicial responsibility is to mean anything, we cannot permit."

8. Bundling Denies Voters Their Right to Vote Their Conscience

The city charter is composed of specific laws, each decided by the voters of this city to define the operation of their local government. It is a right granted to them through law to make these specific choices. Bundling these distinct choices into a single proposal defies that law and denies voters the right to apply their vote upon them as they desire.

In bundling, the Council not only denies voters this choice but requires them to approve changes to the law that they may have otherwise voted against. By bundling, the Council never determines what the real desire of the electorate is. The Council cannot discern if the voter approved or disapproved of any part of the bundled choices. So, claiming in any way that the electorate approved the charter changes is false.

Consider the last charter proposal. Can you tell me why the voters voted against the proposal? No, you cannot. Some may not have liked certain parts of the proposal, which you cannot discern from their vote. Some may not have approved of bundling important individual choices into a single choice; you don't know how many people voted for that reason.

Even if the Council were allowed to combine these distinctly separate and important choices, why would it deny voters their legal right to vote their conscience on matters which will rule their lives in their community? What possible benefit to the community justifies stripping voters of their ability to say "yes" to the changes they support and "no" to the changes they oppose?

The answer is simple: there is no justification. Bundling is not a convenience for the city—it is a disservice to the voters. It is a practice that obscures the true will of the people and undermines the very foundation of democratic consent.

9. Objection and Request

I formally object to the validity of this warning and the resulting ballot question. I request that the Council:

1. Acknowledge the violations of 17 V.S.A. § 2645, 17 V.S.A. § 2642(a)(2), and the "reasonable certainty" standard established in *Brochu v. Brown and Town of Milton v. Bert's Mobile Home Park, Inc.*
2. Withdraw the current bundled warning and ballot question.
3. Resubmit the charter changes as separate ballot questions, allowing voters to decide on each distinct separate proposal individually.

Respectfully submitted,

Jay Walsh
Newport City Resident
91 Jackson St.
City of Newport, VT
413-329-1755
jaywalsh@usa.net

EXHIBIT "B" - 2 PAGES

CITY OF NEWPORT NOTICE OF PUBLIC HEARINGS ON PROPOSED CHARTER AMENDMENTS

The City Council of the City of Newport (the "City") hereby gives notice pursuant to the requirements of 17 V.S.A. § 2645 that the public hearings to consider adoption of proposed amendments to the City's Charter, 24 Appx. V.S.A. Chapter 7, will be held on September 3, 2026, and on September 14, 2026, in the City Council Chambers at City Hall, 222 Main Street, Newport, Vermont, at six o'clock in the afternoon (6:00 p.m.) in-person and remotely by accessing the following links:

On September 3, 2026, at 6:00 p.m.: <https://meet.google.com/ras-dqyi-ena> or dial:
(US) +1 513-480-3030 PIN: 221 321 340#

On September 14, 2026, at 6:00 p.m.: <https://meet.google.com/akm-xiqg-xjm> or dial:
(US) +1 385-325-1156 PIN: 349 697 591#

The proposed amendments to the City's Charter are substantial and are too long and unwieldy to set out in amended form; however, the proposed Charter amendments contain the following sections:

§ 7-1. Establishment of City

§ 7-10. Police officers

§ 7-2. [Transitional provisions relating to the governance of the Towns of Newport and Derby; the City of Newport and the process for acceptance of the charter; § 2 of No. 273 of the Laws of 1917.]

§ 7-11. Board of Civil Authority and Board of Abatement

§ 7-12. City Clerk

§ 7-13. City Treasurer

§ 7-3. City boundaries and corporate powers

§ 7-14. City Assessor

§ 7-4. Form of government and voter qualifications

§ 7-15. Powers and duties of City Council

§ 7-16. Water and sewer systems

§ 7-5. Warning and convening of annual meeting

§ 7-17. Sale, purchase or lease of City owned property

§ 7-6. Election, term, appointment, recall and removal of City Officers

§ 7-18. City expenditures

§ 7-19. Assessment of taxes on grand list

§ 7-7. Mayor and Council Members as City Council

§ 7-20. Revenues credit and appropriations

§ 7-8. Powers and duties of the Mayor

§ 7-9. Mayoral approval and Council Members reconsideration of vetoed actions

§ 7-21. [Transitional provisions related to the financial obligations of the Villages of Newport and West Derby; 1917 Acts and Resolves No. 273, § 31.]

§ 7-22. Bonds of City officers

§ 7-23. [Transitional provisions related to the financial assets and liabilities of the Villages of Newport and West Derby; 1917 Acts and Resolves No. 273, § 33.]

§ 7-24. [Transitional provisions related to the financial liabilities and assets of the Towns of Newport and Derby; 1917 Acts and Resolves No. 273, § 35.]

§ 7-25. [Transitional provisions related to the books and records of the Town of Newport; 1917 Acts and Resolves No. 273, § 36.]

§ 7-26. [Transitional provisions related to the books and records of the Town of Derby; 1917 Acts and Resolves No. 273, § 37.]

§ 7-27. Public schools and school property

§ 7-28. City Manager

§ 7-29. [Transitional provisions related to effective date.]

§ 7-30. Harbor Commission

§ 7-31. Severability

These Charter amendments are proposed to be voted on November 3, 2026, at a City Special Meeting. An official copy of the proposed Charter amendments will be posted for public viewing and available for review on August 21, 2026, in or proximate to the City Clerk's Office in City Hall at the above-referenced address. Copies of the proposed Charter amendments will be made available at the City Clerk's Office upon request and will be posted on the City's website at www.newportvermont.org.

Dated at Newport, Vermont, this 21st day of August, 2026.

CITY OF NEWPORT

/s/ Rick Ufford-Chase
Rick Ufford-Chase, Mayor

Received for record this 21st day of August, 2026, in the records of the City of Newport.

/s/ James Johnson, City Clerk

Posted at: City Clerk's Office, Goodrich Memorial Library and the Post Office