

Council Minutes

September 21, 2026

A duly warned meeting of the Newport City Council was held on Monday, September 21, 2026 in the council room in the Newport Municipal Building. Present were Council President Carter Finegan, council members John Monette, Andrew Touchette, City Manager Joe Gunter, City Clerk/Treasurer James Johnson, Financial Administrator Kari Schulze, Dominic Cloud, Frank Cheney, Denis Chenette, Charlie Pronto, Laurie Grimm, Jay Walsh, Dave LaForce, members of the Press and Public. Mayor Ufford-Chase and council member Sharon Pare' were absent.

President Finegan called the Meeting to order at 6:00 pm.

Additions/Deletions

None

Consent Agenda, Minutes of 9/14/26, AP Warrant 9/18/26, PR Warrant 9/15/26

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

Public Comment on Item not on the Agenda

Teresa Gerade commented on the amount of sludge imported to the land fill both local and from out of state.

Jay Walsh commented on the open meeting law violation he submitted and would like it submitted to the Secretary of State.

Dave Rondeau commented on the increases in the S/W rates.

City Manager's Report

Mr. Gunter reported on the Cell tower Lease, budget process, Health Insurance rates and provided Trial Balance and Budget Status reports.

Report from Dominic Cloud on Municipality's Role in Property Development

Dominic Cloud gave a power point presentation on the community's role in development. He stated that if the town controls the land they control the vision. Through short term borrowing the town can do it better, faster, and cheaper to present the vision to the voters. The town should acquire land when available if possible.

Consideration of Warning for the Special city Meeting November 3, 2026: regarding Proposed Changes to the Charter (attached)

Mr. Monette moved to approve the Special Meeting Warning as presented. Seconded by Mr. Touchette, motion carried.

Consideration of Jay Walsh September 14, 2026 Open Meeting Law Violation Allegation.

Mr. Monette moved to find that the City did not violate the Open Meeting Law as Mr. Walsh alleges by his September 14, 2026 allegation because the notice of the Public hearing on the draft Charter was properly posted and published well in advance of the hearing, and because the Open Meeting Law does not require that the notice list every section of the draft Charter, as opposed to its table of contents, which is what the notice contained. Seconded by Mr. Touchette, motion carried.

Policy Review: Financial Management System Administration Policy (attached)

Mr. Touchette moved to approve the policy as presented. Seconded by Mr. Monette, motion carried.

Preliminary Wastewater Allocation Application and Application for Water Allocation/turn-on from Gary and Lauren Gillespie

Mr. Touchette moved to approve both the Wastewater and Water Allocations from Gary and Lauren Gillespie. Seconded by Mr. Monette, motion carried.

Executive Session per 1 V.S.A. sec 313(a)(3) – Personnel Discussion.

Mr. Touchette moved to enter executive session per 1 V.S.A. sec 313(a) (3) for personnel. Seconded by Mr. Monette, motion carried.

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

No action.

Task Force Reports

Water and Sewer, Still waiting for the audit

FRFP, working on policies, looking at last year's budget to actual, Revenues and Reserve funds.

Fire Department Strategic Planning, No report.

New Business

None

Old Business

Mr. Touchette thanked the Charter Committee for their hard work on the Charter.

Next Meeting Date

Mr. Monette moved to set the next meeting for October 5, 2026

Adjournment

Mr. Touchette moved to adjourn at 8:15 pm. Seconded by Mr. Monette, motion carried.

Attested _____ This _____ Day of _____ 2026

Mayor

WARNING

City of Newport, Vermont

Special City Meeting

November 3, 2026

The legal voters of the City of Newport, County of Orleans, State of Vermont, are hereby notified and warned to meet at the Newport Municipal Building, 222 Main St., in said City of Newport on Tuesday, November 3, 2026, beginning at 8:00 am, at which time the polls will open, until 7:00 pm, at which time the polls will close, to act on the following article to be voted by Australian Ballot.

The legal voters of the City of Newport, County of Orleans, State of Vermont, are further notified and warned that a public informational hearing to explain and discuss the Australian Ballot Article set forth below will be held on Monday, November 2, 2026 beginning at 6:00 pm, at the Newport Municipal Building, 222 Main St., in said City of Newport. The public may attend the informational hearing in person or remotely at the following link.

Video Link: <https://meet.google.com/vhw-bkjt-uzz>

Or dial: (US) +1 414-909-6961 PIN: 411 712 844#

ARTICLE TO BE VOTED BY AUSTRALIAN BALLOT

Article 1

Shall the voters of the City of Newport approve an amendment to the City's Charter, dated September 21, 2026, containing the following sections?

§ 7-1. Establishment of City

§ 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.]

§ 7-3. City boundaries and corporate powers

§ 7-4. Form of government and voter qualifications

§ 7-5. Warning and convening of annual meeting

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

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

§ 7-8. Powers and duties of the Mayor

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

§ 7-10. Police Services and Fire Protection Services

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

§ 7-12. City Clerk

§ 7-13. City Treasurer

§ 7-14. City Assessor

§ 7-15. Powers and duties of the City Council

§ 7-16. Water and sewer systems

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

§ 7-18. City expenditures

§ 7-19. Assessment of taxes on grand list

§ 7-20. Revenues credit and appropriations

§ 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

Copies of the Charter Amendment in its entirety are available for inspection or pick-up at the City of Newport City Clerk's Office during regular office hours, Monday–Thursday, 8:00 a.m. to 4:30 p.m.; Friday, 8:00 a.m. to 12:00 p.m. The Charter Amendment is also available for review on the City's website at www.newportvermont.org

The legal voters of the City of Newport are further notified that voter qualification, registration, and absentee voting relative to said Special Meeting shall be as provided in Chapters 43, 51 and 55 of Title 17, Vermont Statutes Annotated.

Dated and Posted at the City of Newport, Vermont, in the County of Orleans, State of Vermont

This 21st Day of September, 2026

Mayor

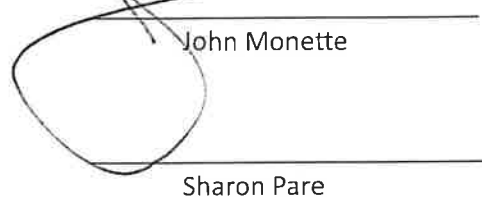
Rick Ufford-Chase

City Council


Carter Furegan


Andrew Touchette


John Monette


Sharon Pare

City Clerk – Attest, received for record this 21st day of September, 2026


James Johnson

The Municipal Building is Handicapped Accessible

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

§ 7-15. Powers and duties of City Council

§ 7-4. Form of government and voter qualifications

§ 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

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

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

§ 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

FINANCIAL MANAGEMENT SYSTEM ADMINISTRATION POLICY

Purpose

The purpose of this policy is to establish clear internal controls for the City's financial management software and related financial information systems. The policy is intended to promote accountability, appropriate segregation of duties, protection of financial information, and consistent administration of the City's financial systems.

Council and Treasurer Authority

The City Council retains ultimate policy-making authority over the City's financial operations and may amend, repeal, or supplement this policy at any time.

Nothing in this policy shall be interpreted to diminish, transfer, or supersede any duty or authority assigned by Vermont law or the City Charter to the City Treasurer, Clerk/Treasurer, or any other statutory municipal officer.

Administrative Authority

The City Manager shall have administrative oversight and authority over the City's financial management software and related financial information systems, consistent with the City Charter, and Vermont law.

The administration of the City's financial management software is an administrative and internal control function and shall be exercised in coordination with the City's financial officers or employees responsible for carrying out financial duties.

User Access and Permissions

The City Manager, or designee, shall establish and maintain appropriate user roles and access permissions within the City's financial management system.

The City Manager or designee shall:

- Approve the addition, modification, suspension, or removal of user access;
- Establish appropriate user roles and levels of access based upon an employee's job responsibilities;

Internal Controls and Segregation of Duties

Responsibility for authorizing transactions, entering or processing transactions, approving payments, reconciling accounts, and administering system access shall be separated among different individuals.

No employee shall be granted system access that creates an unreasonable conflict with the employee's other financial responsibilities.

Approved:

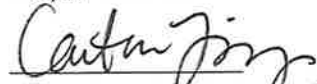
FINANCIAL MANAGEMENT SYSTEM ADMINISTRATION POLICY

Effective Date

This policy shall take effect upon approval by the Newport City Council.

Signed at a duly warned meeting this 21st day of September 2026

Mayor- Rick Ufford Chase



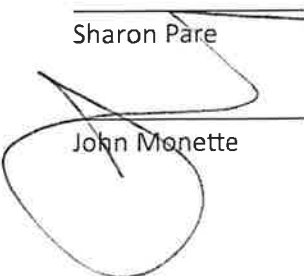
Council President- Carter Finnigan

Finnigan



Andrew Touchette

Sharon Pare


John Monette

Approved: