

*Town of Norwich  
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**Minutes of the Special Selectboard Meeting – Tuesday, October 4, 2001**

Members Present: Linda Cook; Neil Fulton, Chair; Douglas Hoffman; Alison May

Also Participating: Dennis Kaufman, Stephen Wheelock

The meeting was called to order by Neil Fulton at 5 PM. He explained that the purpose of the special meeting is to discuss legal representation for the VELCO reappraisal case. May asked if the Selectboard should go into Executive Session. Hoffman stated that this topic was not appropriate for Executive Session. Fulton suggested that discussion of the procedure in responding to the appeal of the Listers' and Board of Civil Authority's reappraisal of VELCO's rights of way in Norwich should be held in open session, but any discussion of litigation strategy is a topic for Executive Session.

The Listers, in their letter to the Selectboard of 20 September, suggested four law firms to represent the Town in this matter. Kaufman pointed out that VELCO has filed an appeal of the Town's action, and that it is necessary for the Town to respond. Wheelock stated the deadline for response is 18 October. Fulton suggested that the Selectboard send a letter to Selectboards of other towns in Vermont and the Vermont League of Cities and Towns asking for their participation in this suit. Kaufman offered to send a similar letter to the Boards of Listers in these towns. Cook and Hoffman said that they opposed proceeding without support from other towns, and that Norwich should not have to pay all the legal fees in this matter itself as the suit may benefit a number of towns. Hoffman suggested that Norwich refrain from recruiting other towns to participate until after VELCO has been permitted an opportunity to negotiate a tax agreement with Norwich.

May **moved** to employ Glenn Howland to file an appearance in Windsor Superior Court in response to the appeal by VELCO (second Fulton). 3-1 (Cook-no). **Motion passed.** The Selectboard agreed informally that Mr. Howland's firm will not be considered for further legal action in this matter.

May asked Kaufman if it has been a policy of the Listers that easements and rights of way reduce the value of properties that they cross. Kaufman replied that the Listers and the Board of Civil Authority have both ruled in that way. The Selectboard agreed to meet as a whole with the law firms under consideration, and Fulton will try to set this meeting for 10 October. This meeting will be for the purpose of discussing litigation strategy. Much or all will take place in Executive Session. Cook asked that Wheelock serve as liaison between the attorneys and the Town in this matter, citing his knowledge and experience. Kaufman objected, and pointed out that Wheelock works for the Listers, and so the Listers Chair should be liaison. Hoffman suggested that this issue be discussed with the lawyers.

May **moved** to adjourn (second Hoffman). **Motion passed.** The meeting was adjourned at 6:10 PM.

**Approved by the Selectboard November 13, 2001**

Douglas W. Hoffman  
Clerk, Norwich Selectboard

