

NORWICH PLANNING COMMISSION
Friday October 16, 2020
8:30 AM
SPECIAL MEETING
MINUTES

Act 92 OML compliant meeting conducted via Town of Norwich Zoom account

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Present: Melissa Horwitz, Jaci Allen, Jeff Goodrich, Jeff Lubell, Brian Loeb, Leah Romano, Ernie Ciccotelli

Staff: Rod Francis

Public: Joseph McLean, Stuart Richards

Meeting called to Order: 8:36AM

1. Approve Agenda. Lubell moved and Goodrich seconded a motion to approve the agenda. Motion carried 7 – 0.
2. Meeting Objectives:
 - o Discuss possible response to allegations that the 2020 Town Plan is based on actions that violated the Open Meeting Law (OML) made by Commissioner Ciccotelli and Messrs Richards and Wilberding
3. Public Comment: Stuart Richards wanted to ensure that the correspondence from Stuart Richards, Ernie Ciccotelli and Doug Wilberding (which included information from the Secretary of States Counsel) was received by Commissioners. Chair Horwitz confirmed that members had the correspondence.
4. Commissioners discussed the decision to enter into executive session with Town Counsel. Town counsel explained that the attorney-client privilege may be waived by disclosure to third parties, and that such waiver may extend to all other communications on the same subject matter. Ernie Ciccotelli a signatory to the complaint declined to recuse himself from executive session.

Stuart Richards commented that he agreed with Ernie Ciccotelli and Jeff Goodrich who questioned why Ernie Ciccotelli needed to recuse himself and the decision to enter into executive session to discuss a response to a complaint concerning the observance of Open Meeting Law (OML) provisions in the preparation of the 2020 Town Plan.

At approximately 9:10AM Horwitz moved and Lubell seconded a motion to enter into executive session with Town Counsel after it was established under 1 VSA §313(a) that such action was necessary to consider the following:

- (1) after making a specific finding that premature public knowledge would clearly place the public body or a person involved at a substantial disadvantage:
 - (F) confidential attorney-client communications for the purpose of providing professional legal services to the body; AND
- (6) records exempt from access to public records provisions of section 316 of ...[Title 1]; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains.

Motion carried 5-2.

5. At approximately 9:27AM the Commission exited executive session.

Lubell moved and Allen seconded a motion to delegate to Melissa Horwitz as Chair of the Planning Commission the discretion to respond, on behalf of the Planning Commission, to the complaint in light of pertinent legal advice received from town legal counsel and the decision by Commissioner Ciccotelli not to recuse. Motion carried 4—2—1.

6. Meeting Adjourned 9:30AM.

Respectfully submitted,
Rod Francis
APPROVED 10-22-2020