

Norwich Selectboard

Special Meeting: Wednesday, April 22, 2026 – 5:30 p.m.

Tracy Hall Multi-Purpose Room

This meeting is being held in-person and via ZOOM

ZOOM access information: <https://us02web.zoom.us/j/89116638939> Meeting ID: 891 1663 8939
US Toll-free: 888-475-4499 (Press *9 to raise hand; Press *6 to unmute after being recognized by Chair)

NOTE: To be admitted to Zoom, you must display a First and Last Name

Welcome & Introductions

1. Agenda – Discussion/Motion
2. Chair’s Report
3. Public Comments for Items not on the Agenda – Discussion
4. Consider Response to “Notice of Open Meeting Law Violation under 1 V.S.A. § 314” sent by Christopher Katucki to the Norwich Selectboard on April 9, 2026. Discussion/Possible Motions; Proposed Executive Session under 1 V.S.A. § 313(a)(1)(E) regarding probable litigation, and 1 V.S.A. § 313(a)(1)(F) regarding confidential attorney-client communications made for the purpose of providing professional legal services to the body.
5. Adjournment – Motion

Notice of Open Meeting Law Violation under 1 V.S.A. § 314 by the Norwich Selectboard

From Chris Katucki <ckatucki@outlook.com>

Date Thu 4/9/2026 10:02 PM

To Select Board <selectboard@norwich.vt.us>; Brennan Duffy <BDuffy@norwich.vt.us>

Cc Miranda Bergmeier <MBergmeier@norwich.vt.us>; Kimo Griggs <kimogriggsnorwichselect@gmail.com>

April 9, 2026

Subject: Notice of Open Meeting Law Violation under 1 V.S.A. § 314 by the Norwich Selectboard

To: Norwich Selectboard and Town Manager Duffy

Please treat this email as written notice under 1 V.S.A. § 314 of alleged violations of Vermont's Open Meeting Law by the Norwich Selectboard as described below and to request that the Selectboard cure the violations as set forth below.

Date and time of occurrence

January 23–26, 2026, in a quorum email exchange, and in connection with the January 28, 2026, Selectboard's regular meeting.

Name of public body

Norwich Selectboard.

Specific violations alleged

1. The agenda description for item 6 did not satisfy 1 V.S.A. § 312(d)(3).

The posted agenda described item 6 as: "Fire District Tax Exemption Agreement – Discussion/Possible Motion, Possible Executive Session (30 mins)." At the meeting, the Board entered executive session under 1 V.S.A. § 313(a)(1)(E), with the motion referencing "potential litigation."

Section 312(d)(3) requires that a meeting agenda contain sufficient detail concerning the specific matters to be discussed. It further provides that whenever a public body includes an executive session on a posted agenda, the item shall be listed as "proposed executive session" and shall indicate the nature of the business of the executive session.

Item 6 did not identify the matter as a "proposed" executive session and did not adequately indicate the nature of the business for which the Board would invoke § 313(a)(1)(E). As posted, the agenda did not fairly inform the public that the Board would consider entering executive session to discuss litigation matters. It is likely that I would have attended the meeting had notice been proper.

2. The agenda description for item 8 did not satisfy 1 V.S.A. § 312(d)(3).

The posted agenda described item 8 as: "Draft Audit Process Question – Discussion/Possible Motion, Possible Executive Session." At the meeting, the Board immediately entered executive session under 1

V.S.A. § 313(a)(4).

Section 312(d)(3) requires that a meeting agenda contain sufficient detail concerning the specific matters to be discussed. It further provides that whenever a public body includes an executive session on a posted agenda, the item shall be listed as “proposed executive session” and shall indicate the nature of the business of the executive session.

Item 8 did not identify the matter as a “proposed” executive session and did not adequately indicate the nature of the business for which the Board would invoke § 313(a)(4). As posted, the agenda did not fairly inform the public that the Board would consider entering executive session under the disciplinary/dismissal subsection. It is likely that I would have attended the meeting had notice been proper.

3. The Board’s public explanation and motion to enter executive session during the discussion of agenda item 6 did not adequately indicate the nature of the business as required by 1 V.S.A. § 313(a). Nor did it satisfy the requirements of section 313(a)(1) that the Board make a “specific finding” or of Trombley v. Bellows Falls Union H.S. that the Board make a “careful analysis”.

According to the approved minutes, the Chair stated that she would welcome the chance to discuss the letter [in the packet] in executive session due to legal questions. There followed a reference to the historic relationship between the Town and the Fire District, as well as comments by member Calloway about actions by the Listers. The nature of any dispute involving the Fire District or a tax exemption was not mentioned.

Member Calloway then moved to enter executive session citing potential litigation and disclosure of confidential information. The second motion referenced 1 V.S.A. § 313(a)(1)(E).

Section 313(a) requires that a motion to go into executive session indicate the nature of the business of the executive session, and no other matter may be considered there. In addition, an executive session under 1 V.S.A. § 313(a)(1)(A)-(F) requires that the Board make a “specific finding” regarding premature general public knowledge and substantial disadvantage. That finding involves a “careful analysis” and “case-by-case determination” prior to entering executive session according to the decision in Trombley v. Bellows Falls Union H.S.

Here, none of that occurred. In 2025, the Selectboard Chair was contacted by the Attorney General's Office regarding the failure to make the necessary specific finding.

4. The Board’s public explanation and motion to enter executive session during the discussion of agenda item 8 did not adequately indicate the nature of the business as required by 1 V.S.A. § 313(a).

According to the approved minutes and transcript, the Chair stated under item 8 that there was: “a question about confidentiality in the draft audit review process” and member Calloway then moved to enter executive session under 1 V.S.A. § 313(a)(4).

Section 313(a) requires that a motion to go into executive session indicate the nature of the business of the executive session, and no other matter may be considered there.

Here, the public explanation referred to confidentiality in the draft audit review process, while the motion invoked § 313(a)(4), which applies to “a disciplinary or dismissal action against a public officer

or employee.” On the face of the public record, the explanation given in open session did not clearly identify the nature of the business and did not clearly align with the subsection invoked.

The statement after executive session similarly described the matter as concerns the Town Manager had “with the process of releasing the draft audit to officials” and stated that no action was being considered at that time. That public description further suggests a mismatch between the explanation given and the statutory basis cited.

5. The Jan. 23–26, 2026 email exchange appears to have exceeded the limited exception in 1 V.S.A. § 310(5)(B).

Section 310(5)(A) defines a meeting as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body. Section 310(5)(B) excludes certain communications, including those by email, only when they are for the purpose of scheduling a meeting, organizing an agenda, or distributing materials, provided that no other business of the public body is discussed.

Records produced by the Town in response to a public records request show a quorum-inclusive email chain among Selectboard members from approximately January 23 through January 26, 2026 regarding whether to add item 8 to the agenda and whether to include an executive session. The readable portions of those records include statements such as:

- I do not support this at this time. [2 lines redacted].
- I am comfortable taking an executive session if necessary. [3 lines redacted].
- As I was not contacted by Pam Smith, I want [1 line redacted].
- I would like an executive session so that [2 paragraphs redacted].
- I am assuming the SB and TM, not others who might be the subject of or will be invited to be part of the discussion.
I am assuming a statement afterwards, and a possible action.
Could this matter be discussed in public in a civilized manner?
- It is not clear [1 line redacted].
- If an executive session is deemed necessary, I would [2 lines redacted].

These statements appear to go beyond merely scheduling a meeting, organizing an agenda, or distributing materials. They appear to reflect discussion among a quorum regarding whether and how the Board should handle public business, including whether the matter should be taken up in executive session and who should and should not participate.

The Town has redacted portions of this exchange asserting deliberative and legislative type privileges. Those PRA exemptions, however, do not resolve the Open Meeting Law issue. To the contrary, the readable portions already suggest substantive discussion beyond the narrow exception in § 310(5)(B).

Even if the redacted portions would properly occur in executive session, that discussion must take place in the context of a duly warned public meeting, not by email. It also seems likely that parts of the redactions go to the merits of holding an executive session, which should occur in public.

Specific cure requested

I request that the Selectboard:

1. **Acknowledge** that the description in the meeting agenda for items 6 and 8 did not satisfy 1 V.S.A. § 312(d)(3).

2. **Acknowledge** that the Selectboard's explanation of the reason for going into executive session with respect to agenda items 6 and 8 did not comply with 1 V.S.A. § 313(a).
3. **Disclose** the nature of the legal dispute regarding agenda item 6.
4. **Acknowledge** that the Jan. 23–26, 2026 quorum email exchange constituted a meeting of the Selectboard that did not occur in compliance with the Open Meeting Law.
5. **Release** to the public the Jan. 23–26, 2026 emails without the redactions referencing 1 V.S.A § 317(c) (17).
6. **Take** reasonable steps to avoid similar violations in the future, including disclosing the nature of executive session in meeting agendas and developing instructions to accompany draft motions to assure Trombley is followed.

Thank you for your consideration of this matter.

Sincerely,
Christopher Katucki

Notice of OML violations; follow-up to 4/16 meeting

From Chris Katucki <ckatucki@outlook.com>

Date Sat 4/18/2026 5:34 PM

To Kimo Griggs <kimogrignorwichselect@gmail.com>; Mary Layton <marydlayton@gmail.com>; Matt Swett <mswettselectboard@gmail.com>; robert.gere.norwich@zohomail.com <robert.gere.norwich@zohomail.com>; bjclasson.norwichsb@gmail.com <bjclasson.norwichsb@gmail.com>

Cc Select Board <selectboard@norwich.vt.us>; Miranda Bergmeier <MBergmeier@norwich.vt.us>; Brennan Duffy <BDuffy@norwich.vt.us>

Dear Selectboard members:

My thanks for your time and diligence in addressing my Notice of Open Meeting Law Violations. Watching the meeting on April 16, I thought it might help to have an explanation of my claims without the legalese. My attempt is set forth below. The focus is on highlighting the Open Meeting Law ("OML") violations which you need to acknowledge or deny by 4/22. Please note I am still asking that the Town cure these violations. .

Sincerely,
Christopher Katucki

Agenda item 6: "Fire District Tax Exemption Agreement"

The Board posted an agenda item called "Fire District Tax Exemption Agreement – Discussion/Possible Motion, Possible Executive Session." When it came up at the meeting, the Board went into closed-door session using a legal provision that exists specifically to discuss "pending or probable" litigation involving the Town as a party.

There are several problems here. First: nothing in that agenda description tells the public what is actually at stake. At the April 16 meeting I learned for the first time that the real issue is whether development rights over Fire District lands have reverted from the Town back to the Fire District — a question with potentially significant consequences for the Town. A citizen reading "Fire District Tax Exemption Agreement" would have no idea a property rights dispute was on the table, let alone that litigation was pending or probable, meaning likely to happen.

Here's what the agenda could have said, although other phrasings may also suffice:

Reversion of development rights to Fire District. Discussion/Possible Motion; Proposed Executive Session under 1 V.S.A. § 313(a)(1)(E) regarding probable litigation.

Note that this is not merely a question of semantics between "possible" or "proposed" executive session. However, the word "proposed" is approved by the statute and also indicates it is a decision yet to be made in public, not a foregone conclusion already decided.

OML violation: the description in agenda item 6 did not satisfy section 312(d)(3), requiring adequate notice to the public.

Second: before going behind closed doors, the Board is required to do two things in public. Explain the nature of the business of the executive session, and after a careful analysis per Trombley, make the specific statutory findings on premature general public knowledge and substantial disadvantage. In other words, merely reciting the statutory language is insufficient. The Selectboard must explain concretely why letting the public hear this discussion would actually hurt the town. That did not happen.

Notably, the Town's attorney said on April 16 that the Town hasn't even decided whether to challenge the reversion claim. Accordingly, it's worth asking whether "probable" or "potential" litigation was even the right basis for executive session in the first place. Executive session on that basis would be improper.

Third: this isn't the first time. The Attorney General's Office contacted the Selectboard Chair in 2025 about this exact failure — not making the required specific finding before entering executive session. The Board was on notice. It happened again anyway.

OML violation: the Selectboard's explanation of the reason for going into executive session with respect to agenda item 6 did not comply with 1 V.S.A. § 313(a), (a)(1) and Trombley.

Agenda item 8: "Draft Audit Process Question"

The Board posted an agenda item called "Draft Audit Process Question." The moment it came up at the meeting, the Selectboard immediately voted to go into executive session, using the provision that exists specifically for a "disciplinary or dismissal action" against a public officer or employee.

First: nothing in that agenda description tells the public that the Board is considering disciplining or firing someone. "Draft Audit Process Question" sounds like a paperwork issue. If you were a concerned citizen deciding whether to show up that night, you would have had no idea that someone might get fired.

Here's what the agenda could have said, although other phrasings may also suffice:

Proposed Executive Session under 1 V.S.A. § 313(a)(4) regarding a disciplinary or dismissal matter involving a town officer or employee, relating to the disclosure of the draft audit.

OML violation: the description in agenda item 8 did not satisfy section 312(d)(3), requiring adequate notice to the public.

Second: there was zero public discussion before the vote to go into executive session. The Board did not even recite the wording in the statute to give the public in attendance a heads-up. The Selectboard went straight into executive session, after voting 4-1.

Moreover, it seems doubtful that the Selectboard has jurisdiction to discipline or dismiss an elected official. Executive session would be improper.

OML violation: the Selectboard did not adequately indicate the need for or nature of the business of the executive session with respect to agenda item 8 in conformity with the Open Meeting Law.

Third: the evidence indicates all five Selectboard members did discuss the need for executive session by email days before the meeting. However, such an email chain counts as a meeting that should be open to the public. Although specified administrative matters are excepted, the redacted emails seem to go well beyond the task of "organizing an agenda".

The Town's attorney has claimed the redactions in the emails are protected by deliberative process privileges. That may or may not be valid. But privilege doesn't cure the Open Meeting Law violation and if anything, it highlights it.

OML violation: the Selectboard's January 23–26, 2026 quorum email exchange constituted a meeting of the Selectboard that did not occur in compliance with the Open Meeting Law.

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Re: Draft Agenda for 4/22 Selectboard Special Meeting at 5:30 PM

From Kimo Griggs <kimogriggsnorwichselect@gmail.com>

Date Mon 4/20/2026 5:25 PM

To Brita Vallens <bvallens@norwich.vt.us>

Cc Brennan Duffy <BDuffy@norwich.vt.us>; Brendan Classon <bjclasson.norwichsb@gmail.com>; Miranda Bergmeier <MBergmeier@norwich.vt.us>

The packet for the special meeting should include:

- 1) Katucki Notice of Open Meeting Law Violation from 4/9/2026
- 2) Katucki letter to Selectboard (should be in packet for regular meeting)
- 3) The full wording of Vermont Statute 1 V.S.A. § 314 (see below) stating that this law defines how the Selectboard must act regarding Mr. Katucki's complaint.

You might just include this email in the packet.

Thank you!

Kimo Griggs

Title 1 : General Provisions

Chapter 005 : Common Law; General Rights

Subchapter 002 : PUBLIC INFORMATION

(Cite as: 1 V.S.A. § 314)

§ 314. Penalty and enforcement

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting subject to this subchapter shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

(b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within 10 calendar days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within 10 calendar days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from:

(i) a meeting that was not noticed in accordance with subsection 312(c) of this title; or

(ii) a meeting that a person or the public was wrongfully excluded from attending; or

(iii) an executive session or portion thereof not authorized under subdivisions 313(a)(1)-(10) of this title; and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at which the alleged violation occurred or to which the alleged violation relates. Except as to cases the court considers of greater importance, proceedings before the Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section.

(e) A municipality shall post on its website, if it maintains one:

(1) an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and

(2) a copy of the text of this section. (Amended 1979, No. 151 (Adj. Sess.), § 4, eff. April 24, 1980; 1987, No. 256 (Adj. Sess.), § 5; 2013, No. 143 (Adj. Sess.), § 4; 2015, No. 129 (Adj. Sess.), § 2, eff. May 24, 2016; 2017, No. 113 (Adj. Sess.), § 1; 2023, No. 133 (Adj. Sess.), § 7, eff. July 1, 2024.)